





## NOTICE.

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No. L.

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# NORTH AMERICAN REVIEW.

No. L.

*NEW SERIES, NO. XXV.*

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JANUARY, 1826.

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ART. I.—*Transactions of the American Philosophical Society, for promoting useful Knowledge.* Vol. II. New Series. A. Small. Philadelphia. 4to. pp. 503.

THE American Philosophical Society was instituted at Philadelphia, about eighty years ago, chiefly through the instrumentality of Dr Franklin. The elevated genius and ardent love of knowledge, which were among the rare traits of this great philosopher and statesman, impelled him by all practicable means not only to discover, but to communicate truth, not only to develop the principles of nature and the laws of social intercourse, but to make his acquisitions useful to the greatest possible extent. Franklin was truly the friend of his species, and believed no labor without its reward, which taught men the art of understanding and improving their condition, or, in other words, the art of securing their independence, prosperity, and happiness, by their own exertions. All his researches in physical science, politics, morals, and the economy of life, aim at utility; he employed philosophy as an instrument of good to mankind, and converted knowledge to its proper ends. In these intellectual habits of Franklin originated the Philosophical Society at Philadelphia.

For several years the Society was little more, than an association of scientific gentlemen, for the purpose of aiding one another in their pursuits by conversation and concert. The meetings of the Society were also frequently interrupted

during the revolutionary war. But the activity of its members did not cease, and their labors have been recorded in successive volumes of *Transactions*. In the present article our attention is drawn to the volume last published, being the eighth from the beginning, and the second of the new series. The Society ranks among its numbers some of the most distinguished men of letters and science in this country and in Europe, and many of the contributions to its *Transactions* are from high sources. The meetings are held in a handsome and commodious building in Philadelphia, which belongs to the Society, and which contains a library of about six thousand volumes, and various specimens of natural history. The catalogue of this library, formed under the immediate direction of Mr Duponceau, is one of the best, in the methodical and philosophical principles of its arrangement, that we have ever seen. The original purpose of the Society was the cultivation of the physical and exact sciences, and to this it was long confined. The plan has recently been enlarged, by embracing history, moral science, and general literature. The standing committee, appointed for this department, published six years ago a separate volume, with encouragement that another would in due time appear. We hope the time will soon arrive. This new department reaches to so wide a compass of interesting inquiry, that it cannot fail to enlist more able minds in the cause of the Society, and thereby increase its dignity and extend its usefulness. The presidents have been successively, Benjamin Franklin, David Rittenhouse, Thomas Jefferson, Caspar Wistar, Robert Patterson, and William Tilghman, the present distinguished Chief Justice of the Commonwealth of Pennsylvania.

This Society, not more on account of its antiquity and the high character of its members, than of its objects and its past labors, justly claims the respect of all lovers of science, and friends of improvement in this country. Amidst the numerous societies, which are almost daily shooting up around us, with pompous titles and long lists of officers, with constitutions, and bylaws, and boasts of great projects in hand, but which sink away and go out of sight, after a little vain bustling on the part of a few zealous candidates for the offices at the next election, when their names may appear at full length as part of the news of the day, or perhaps at the bottom of

a report detailing with great formality, what the society intends to do; we say, in the midst of all this empty parade and pretence, it is with sincere pleasure that we can look up to the Philosophical Society, and the Academy of Natural Sciences, in Philadelphia, as institutions creditable to themselves and the country, by the dignity of their objects, and by the steady and substantial efforts with which these objects are prosecuted. A very few others may be entitled to a similar preference, but the number is exceedingly small. We could wish, indeed, that our own American Academy, whose doings have been so laudable in years gone by, would more frequently give other tokens of its existence, than the annual list of new members published in the newspapers. We do not object to literary and scientific associations; on the contrary, we believe they may be made the means of vast improvement to individuals and to the community; but we confess that we have no patience with the growing fashion of building up these associations, and enlarging them, merely for a noise and a puff, as a convenient mode by which a number of persons may keep each other in countenance in making pretensions, which, singly, they would never dare to make, and which, under no circumstances, can they ever realise. The whole business is arrant quackery, and although it breaks no bones, nor administers any poison, yet it deceives the public, and as far as any effect is produced, it is to bring literature and science into disrepute.

The present volume of Transactions contains several important papers, some of which are so purely scientific, that we should fail in any attempt to analyse them, were such an analysis within the scope of our journal. Three or four may be selected, however, on which we trust a few observations will not be unacceptable to our general readers. The paper by Dr Drake, containing a *Geological Account of the Valley of the Ohio*, is curious not more for its facts, than for the ingenious speculations of the author, in attempting to account for certain geological phenomena in the western country. His paper is accompanied with a profile of the valley of the Ohio, running transversely across the river at Cincinnati, and indicating the alluvial formations on each bank of the river at that place.

The banks of the Ohio, like those of the Connecticut, and in fact we believe of most of our rivers, are composed of two or three platforms, or distinct plains, rising one above another by elevations varying from ten to fifty feet. These platforms are alluvial, extending from hill to hill across the valley through which the river finds its passage, and have evidently been deposited at some former period by the waters of the river. But it is common for the highest platform, or that bordering on the mountainous or hilly formation, to be sixty, eighty, and even a hundred feet above the highest level to which the river now rises. The necessary result is, that the quantity of water which flowed in the river, when these deposits were made, was such as to fill the whole valley to that elevation, and as the water for some cause became diminished in quantity, it gathered itself into a narrower channel, and left the dry soil on its margin. One of the most singular circumstances attending this diminution of the water, is, that it seems to have been done at certain periods, and thus to have formed the regular succession of ascents and plains mentioned above. Had the subsiding of the water been uniform, the surface of the deposit would now be a gradual slope, from the base of the hills to the margin of the river. As these platforms and ascents are commonly two or three in number, on the borders of the large rivers east and north of the Mississippi, and we suppose of the Rocky Mountains, it is reasonable to refer them all to a cause acting at the same time, and to draw the conclusion, that the northern continent of America has at two or three particular seasons undergone signal revolutions, either by internal convulsions, or by the sinking of a large extent of country now occupied by the Atlantic Ocean, and thus leaving a space to be filled by the waters of the valleys, which have since dwindled into comparatively small streams. There is a difficulty, however, about the whole matter, when we ask how these immense rivers were supplied in former times, since, by the ordinary process of nature in evaporation, rains, and internal circulation, no more water is produced than enough to sustain the rivers in their present diminished channels.

Dr Drake does not puzzle himself, nor his readers, with speculations on these general bearings of the subject, but his investigations are chiefly confined to the valley of the Ohio.

He first inquires into the cause of the great excavation through which this river runs, and gives it as his opinion, that this broad valley, as well as that of the Mississippi, was originally caused by the sinking of a region now covered by the Gulf of Mexico, and thus giving a southerly current to the waters, which before that time overspread the regions at the north. In this way the great valleys were formed by the strong currents and perpetual abrasion of the waters. Another mode of accounting for the same thing would be to suppose, that the elevations and depressions of the surface, or the mountains and valleys, were produced by some violent convulsion within, and that the waters sought a passage in the most depressed parts. From various geological appearances Dr Drake thinks it quite certain, that such could not have been the origin of the great valleys and elevations of the west, although he allows that on the south of the Ohio river, in some parts of Kentucky, there are *ravines* and abrupt eminences, which indicate the action of some violent cause beneath. In modern times the river has become contracted in width, and the bed of its channel deepened. This channel is now worn many feet below the bottom of the alluvial deposits on its margin. It is continually increasing in depth, though Dr Drake says very slowly, as the current at the bottom of the river is always much less rapid than at the surface, except at the time of floods or freshets. This is easily ascertained in the summer season, when the water of the river is clear, and the bottom can be distinctly seen. Accumulations of light particles are found resting there, when the current at the surface is so strong, as instantly to carry away much heavier substances. It follows that the attrition of the water at the bottom is much less, than would be apprehended from its velocity above, and that the process of deepening the channel is extremely slow.

Dr Drake accounts for some remarkable geological appearances in the western country in a manner so curious and plausible, that we shall present his views in his own language. After describing the gravelly substances, or *debris*, which occur in the regions of the Ohio river, and which are found of a similar composition and character, as he says, all over the western and northern parts of the United States, he proceeds as follows.

‘We are hence, I think, justified in the conclusion, that its origin was in the north, and that it was brought and deposited on the surface of this country by currents, which in ancient times flowed from beyond the Lakes to the Gulf of Mexico, and of which it may be regarded as the sign and the effect.

‘A more recent formation, than many of the alluvial beds contained within the limits just defined, is the stratum of loam spread over the surface of our hills and valleys in an *overlaying* position. This appears to be the same, that in the north of Europe is denominated *geest*, and which Mr De Luc considers as the last deposit made by the sea before its final retreat.’ ‘The deposition of the *geest* seems to have been the last operation, which the waters of the north performed upon this region, and was of course subsequent to the excavation of the valleys, as no deposit could have remained upon their acclivities, while the agent which formed them continued its action. To this formation belong the great blocks of foreign primitive transition, and old floetz rocks, which have excited in travellers so much astonishment, and which, in one point of resemblance at least, approximate the region south of Erie, Huron, Michigan, and other lakes, so closely to that which stretches from the southern shores of the Baltic Sea.

‘These masses in the neighborhood of this place, [Cincinnati,] are for the most part solitary, but in the interior of the State it is not uncommon to find them grouped into heaps, which are slightly covered with soil; and it is, I suspect, an aggregation of this kind, on one of the Islands of Lake Huron, that a British officer mistook for granite *in place*. The size of these masses extends from that of gravel and pebbles to the diameter of eight or ten feet. The larger blocks are frequently found *upon* the old alluvial plains, but never, that I have understood, *within* them. Their geographical range is over the same region with the smaller foreign *debris* of our valleys, but more limited to the south west. I have never seen a single block on the opposite side of the Ohio, and am not informed that any have been observed lower than the thirtiyninth degree of latitude.

‘I do not entertain a doubt, that these fragments were enveloped in large fields of ice in a region far beyond the Lakes, and floated hither by the same inundations, that brought down and spread over the surface of this country the *geest* in which they are imbedded. In the southern parts of this formation they are not found; but this should be attributed to the influence of the climate. The ice, to which they were attached, could not of course pass a certain latitude; and from the great increase of these masses as we advance towards the north, it would seem that many of the icebergs suffered dissolution long before they arrived at this *maximum*. Future



observers will no doubt trace them to their parent strata in the arctic regions, as Von Buck has traced those, which are lodged on the shores of the Baltic. The ice islands of the Atlantic ocean may reasonably be supposed to bring down, and deposit on its bed in the Temperate zone, primordial masses similar to those spread over some parts of this and the European continent. These islands are, I believe, not often seen further south than the fortyfirst degree, near two degrees north of their southern boundary here. This is probably attributable to the Gulf Stream; but for which, the larger tracts of ice would undoubtedly attain as low a latitude as the southern limits of the primitive blocks in this country; and hence a probable conclusion may be drawn, that the temperature of the northern hemisphere has undergone but little change, since the remote epoch when this part of the continent was for the last time subjected to inundation.'

From these facts, and this mode of reasoning, it would seem, that at some former period the ocean flowed over this continent with a current setting from north to south, and that the present features of the earth's surface in these regions have taken their shape and character from the action of this cause. Mr Hayden has pursued the same inquiry, in regard to the rivers and soil on the Atlantic coast, and has come to the same result. The only additional proof, now required, is that mentioned by Dr Drake as having been applied by Von Buck. Let it be established, by observation, that the rocky fragments, deposited throughout the alluvial formation of this country, are of precisely the same kind as the primitive masses in the polar regions of the American continent, and the demonstration will approach a degree of certainty, which will be satisfactory to most minds.

The fifth article in the volume is one of a good deal of interest and value. It contains a series of observations, by Mr John Hamilton, on the *Winds, Currents, the Gulf Stream, and the Temperature of the Air and Water in the North Atlantic Ocean*. The tables are skillfully constructed, and the observations carry with them every appearance of accuracy. These latter were made during twentysix voyages across the Atlantic, chiefly between Philadelphia and Liverpool. It was Mr Hamilton's object to ascertain, whether any substantial results could be derived from a course of observations of this sort, which should be of uniform and permanent advantage to navigators. In summing up the

matter, however, he seems not to be very sanguine, although he clearly shows, that a methodical use of the thermometer, in determining the temperature of the water, will enable the mariner infallibly to tell, after a little practice, when he is in a current, or on soundings. He says that currents at sea are usually from two to four degrees warmer, than the water out of the current. On soundings the water is always warmer than off, although the temperature varies more than in currents, as it depends much on the depth of the water, and the position of the coast. Along the American shore the difference of temperature varies also with the seasons, it being less in summer than in the other seasons.

In navigating the Gulf Stream the thermometer is of essential use. The difference between the temperature on the north side of this current and the sea out of it averages ten degrees; on the south side it is not so much, but never less than five degrees. In summer it is less than in winter. By knowing these data, and by using the thermometer three or four times a day, the navigator may always determine when he enters the Gulf Stream. It is not easy to define the exact limits of this stream, because it is more or less affected by the winds; and after it passes the Grand Bank of Newfoundland it is divided into several branches, the main current proceeding to the south east, and the others to the east and north east. There are counter currents on each side of the Gulf Stream, but Mr Hamilton thinks the temperature of these not to be perceptibly different from that of the stream itself. The thermometer, therefore, will not indicate the counter currents; but this is not of much moment, compared with the great utility of the instrument in determining the presence of the stream itself, which, on account of the variableness of the current produced by winds and other causes, is not easy to be ascertained by any mode of calculation. Mr Hamilton says, that many navigators who profess to use the thermometer, profit little by it, because they do not begin their observations till they suppose themselves approaching the Gulf Stream, or soundings, and then, if it happens that they have entered either, the temperature is changed from that of the ocean, and they have no means of an accurate comparison. To be of any use, the observations should be daily, and regular. Were every experienced and intelligent navigator to take the pains,

which Mr Hamilton has done in forming his tables, we doubt not that a series of facts would be collected, which would greatly facilitate the navigation not only of the Atlantic Ocean, but of other parts of the world.

We have next in order a very long paper on the *Survey of the Coast of the United States*, by Mr Hassler, making nearly one half of the volume. The singular result of the efforts of the government to survey the coast of the United States, has been a source of serious regret to many, and of wonder to all, who have known anything of the subject. How many thousands have been expended in purchasing instruments, retaining engineers, forming splendid projects, and preparing for great undertakings, we shall forbear to inquire. It is well known, that no visible thing has been done, and that we yet labor under the disgrace of being obliged to resort to the British charts of our coast, as the best that have been made. Holland's Charts, published in England, at the commencement of the Revolution, or copies from them, are still the guides to our seamen, when they would ensure accuracy and safety. The soundings are corrected in Blunt's charts, but the topographical delineations are nowhere executed with so much fidelity as in the old English surveys; and even in the late war, the inhabitants of the coast were frequently surprised at seeing the British vessels of large size sailing boldly into passages and inlets, where no American had ever ventured with the lightest coasting craft. Nothing would contribute more to the success and security of our commerce, than a thorough and minute survey of the coast; on nothing could public money be more profitably, or creditably, expended; and at no time can it be done with more ease and convenience, than at the present. To defer it longer is but to perpetuate the reproach, which past neglect has so justly drawn upon the nation. Much might be said on this subject, in relation to what has been attempted heretofore, to the projects that were in contemplation, and to the history and fate of the elegant and costly instruments, which were procured in Europe, but which are now neglected and useless.

There is a memoir in the volume, written in French, by Mr Jules de Wallenstein, containing an account of *Meteorological Observations* made by him at Washington, during the

space of one year, from April 1823 to April 1824. Tables of results are also added to the memoir. Whether we regard the accuracy of the instruments, or the scientific skill of the author in using them, we presume Mr de Wallenstein's observations may justly be ranked among the best, which have been made in this country. His instruments were selected by himself in Europe, and constructed by the most eminent artists. They form a complete apparatus for observing the temperature, pressure, and moisture and dryness of the atmosphere. He begins his paper by describing these instruments, and his mode of using them. His barometer was constructed by Fortin, on the most approved principles, and was of the same kind as that employed in the Royal Observatory in Paris; his hygrometer was on the plan of Saussure; he had two thermometers by Lerebours and Fortin, and one by Troughton with Fahrenheit's scale. These are all briefly described.

The author's most curious remarks are those on the *horary variations* of the barometer. He gives a concise view of this interesting subject, as it has been treated by Humboldt, Godin, La Condamine, and others. It is not of a nature to be discussed in this place, but we agree with Mr de Wallenstein, that it well deserves the attention of philosophers, and of those who travel for improvement in natural science. He thinks these variations of the barometer are in some way linked with other appearances, the causes of which are yet among the secret things of nature, and supposes it probable, that 'good observations on the periodical variations of the magnetic needle, electricity, and the barometer, made by such men as Humboldt, La Condamine, Mutis, and Buch, might lead to the discovery that there is some connexion between these phenomena, or at least that one may be explained by another.' Whatever may be thought of this suggestion, it must be confessed, that these topics offer a wide and unexplored field for philosophical research. It will be at once perceived, that the influence of such discoveries must be very great, when it is considered how universal are these phenomena and their causes, and how completely they pervade all parts of physical nature. Nor does the progress of these discoveries seem so difficult, as might at first be imagined, since, as the author remarks, Mutis has already ascer-

tained a connexion between the horary variations of the barometer and the conjunctions and oppositions of the Moon, and La Place has calculated the influence, which the Sun and Moon may exercise on our atmosphere.

Mr de Wallenstein holds a high station in the Russian embassy to this country, and we will not conceal, that it is gratifying to our national feelings, that a gentleman of his character and qualifications, not more distinguished by his great and varied attainments, than by the urbanity of his manners, should take so lively an interest in the advancement of science among us, as well as in the history and progress of our institutions.

The last paper we shall notice is that on the *Language of the Berbers*, which is curious for the novelty of its facts, and its historical hints. It contains two parts; first, a short dissertation by that profound philologist, Mr Duponceau; and, secondly, letters to this gentleman from Mr Shaler, Consul General of the United States at Algiers. 'The Berbers,' says Mr Duponceau, 'are a white race of men, who inhabit the chain of Mount Atlas, and extend to the borders of the desert of Sahara. To the north of them are the Bedouin Arabs, and still farther north are the Moors, whose dominions line the south western coast of the Mediterranean. The country of the Berbers is considered as included within those dominions, but the Moorish governments have not yet succeeded, nor probably ever will succeed, in reducing these tribes to a state of complete subjection.' From recent observations it has been supposed, that these people speak an original language, peculiar to itself in its construction and idiom, and that dialects of the same language prevail quite across the northern regions of Africa, from the Cape de Verd Islands almost to the Red Sea. Mr Marsden, and some other writers, have been of opinion, that the Berber language is a remnant of the old Punic. Vater considers it the Numidian, corrupted by an intermixture of Arabic, and other idioms. Mr Duponceau is decidedly against the Punic origin, and is disposed to wait for further information, before he forms an opinion in regard to the other theory. Mr Shaler's communications throw some light on the subject. This gentleman inclines to the belief, that the language is an original one. We quote below an extract from

one of his letters. The *Kabyles*, of whom he speaks, are a race of Berbers, residing on the southern borders of Algiers and Tunis.

‘The Kabyles of north Africa,’ says Mr Shaler, ‘are a white people; they invariably inhabit the mountains, where they maintain their independence, and probably have never been completely subjected by any of the conquerors, who have at different periods overrun this country. Each mountain usually forms an independent state, and they are often engaged in petty wars with each other, which are fomented by the Turks, who thereby sometimes succeed in extorting from them a precarious tribute; but since the days of Barbarossa, although some may have been exterminated, none have been entirely subjected to Turkish domination. Although the Kabyles are a very ingenious people, with the most tractable and social dispositions, they have not the commercial propensities of the Moors and Arabs. Independence appears to be the greatest object of their existence, as with it they cheerfully endure poverty in the most rigorous climates. Such, at least, is their actual political condition, and with such unequivocal marks of originality of character, I think they may be regarded as a safe depository of a language.

‘From various causes, they may have thrown off their surplus population amongst their neighbors, and even sent out colonies in a country, that does not appear to have been ever properly settled, yet under such circumstances, having no distinct religion of their own, they might easily enough accept that of their neighbors, where nothing was hazarded by it. At this day the Kabyles are regarded as very barbarians, both in the theory and practice of Islamism. There is a foundation in Algiers expressly for their instruction, which they receive *gratis*. From what is related of the Tuarycks by Hornemann and Lyon, they are also a white people, very numerous, brave, warlike, and of an independence of manners and deportment, that displays a remarkable contrast with the servility in practice at the court of Fezzan. They inhabit vast regions intersected by deserts, have little knowledge of Islamism beyond its forms, and in several districts they are pagans. It is not therefore a great stretch of credulity to believe, that the Tuarycks are also an original unconquered people, and the depositaries of an ancient language, which being identified with that of the Kabyles, leads to the conclusion that it is one of the ancient languages of the world, which has withstood the conquests of the Phenicians, of the Romans, of the Vandals, and of the Arabs. As I have the authority of the learned Shaw for believing, that this language is radically different from the Hebrew and the Arabic, I think the premises justify this conclusion, though it would certainly be more interest-

ing to discover the language of Sanchoniathon, than the Numidian. This question, however, must be left to the decision of the learned, when its vocabulary is made more complete, and a greater insight is obtained into its grammatical forms.'

Mr Shaler has obtained partial vocabularies of the language of the Kabyles, taken by a Jewish interpreter, and a Swedish gentleman, which are printed in this paper, and compared with Dr Shaw's vocabulary. The investigation will be pursued, as opportunities occur of becoming better acquainted with the language of these people. Several particulars illustrating this subject, and confirming the suggestions in the above extract, may be expected in Mr Shaler's work on Algiers, which has already been promised to the public.

On the whole we cannot doubt, that the present volume of Transactions will fully sustain the reputation, which the Society has acquired by those it has formerly published. The first paper, containing a *Description of Insects inhabiting North America*, by Mr Thomas Say, occupies about one fifth of the volume, and the name of the author, in connexion with this department of physical science, speaks sufficiently for the character of his performance. There are other articles on topics of mineralogy, chemistry, botany, the mathematics, and one on the anatomy and physiology of the Alligator of North America. An obituary notice of the late president, Robert Patterson, is prefixed to the volume.

The best historical account of the American Philosophical Society, which we have seen, is contained in the appendix to Mr Walsh's Appeal.

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ART. II.—*Hadad, a Dramatic Poem*. By JAMES A. HILLHOUSE, Author of 'Percy's Masque,' and 'The Judgment.' New York. E. Bliss and E. White. 1825. 8vo. pp. 208.

THE scene, in which this poem is laid, is not such a one as poetry has often inclined to select, though none could be found, as we apprehend, more appropriate to the exercise of its powers. Indeed we are surprised, that the ancient Jewish

history, full as it is of high associations, lasting sympathies, singular opinions, remarkable events, and great men, has not been a favorite and peculiar walk of the dramatic muse. Where is there a more eventful page in the book of heroes and kingdoms, than that which records the life of David, or a more splendid one, than that on which is emblazoned the reign of Solomon? And with regard to the people, who were governed by these great princes, where, we would ask, is there, or has there been a nation, who have stood forth in so high relief from the rest of the world, as the posterity of Israel? The single circumstance, that they alone worshipped the one great Creator, to the exclusion of all the gods of all other lands, is enough to confer on them an extraordinary preeminence, and a strongly distinctive character. They were proud, it is true, stiffnecked, restless, rebellious and ungrateful—but they were separate. No wonder that they called their city the Holy City; crime and pollution, after moving in pompous procession, and under the names of religion and piety, through every other city of the earth, found the gates of Jerusalem shut fast against their mockeries. No wonder that the temple was a perpetual boast, and that the perfection of beauty and glory was supposed to shine from its outward walls, and reside among its pillars and its porticos; the name of Jehovah, and his name only, was pronounced in worship there, and imparted a sublimity and majesty to the place, before which the architectural piles of Ephesus and Athens dwindled down into senseless masses of stone. Then there was that strange, mysterious brotherhood, the prophets; companions of kings, favorites and ambassadors of Heaven; who denounced against the peculiar people curses and wrath, or promised the fulness of blessing; and who poured forth their prophecies, whether of mercy or woe, in strains of poetry which have never been surpassed in loftiness and beauty, if they have ever been equalled, by the genius of man.

In this remarkable light the ancient Israelites must appear, even to those who regard them merely as one of the nations of the earth, possessing no claims on their attention but such as are derived from national peculiarity. Additional claims are made, and far stronger sympathies are excited by this singular race, in the view of those who receive the dispensation by Moses as a part of their own religion, and see in their



spiritual Prince and Saviour, a descendant of the house of David. To them the literature of Judah is sacred, the sayings of the prophets are oracles, and Palestine is a land of pilgrimage. The wilderness in which the tribes roamed for forty years; the mount from whose top their prophet received the law; and every inch of that country, which came to them by promise, are to all Christians holy ground, and not to be trod upon, unless the feet are bare.

There is another association, and a melancholy one, which belongs to the land of Judea. Where are its once favored inhabitants? Where are the ancient people of God? They have given place to the barbarian and the infidel; their descendants are scattered among the gentiles, though still, as ever, remaining distinct from them; the hills are all the same, Jordan flows on as before, the very wells at which the patriarchs quenched their thirst are recognised and named by religious curiosity, but the children of the soil are far away, and a Jew is an alien in the land of his fathers.

The cedars wave on Lebanon,  
But Judah's statelier maids are gone!

These are all circumstances of no ordinary character; such indeed as can be matched in interest by no other human history. They are all under the dominion of poetry, and only wait to be swayed, that their power may be adequately felt.

Among the most successful trials, which have been attempted in this way, we venture to rank the dramatic poem before us. The event, which our countryman has chosen for the main action of his piece, is the rebellion of Absalom. But neither Absalom, nor his father, nor Abithophel, is his chief character, nor yet Hadad, prince of Damascus, but—start not, uninitiated reader—it is Lucifer himself, under the form, or rather animating the corpse of Hadad, who is the visible instigator of the mischief, and hero of the scene, mixing with the other characters in all their conversations as a man, and appearing as a man, though to be sure a wild and strange one, to the very end.

For so bold a conception as this, we could have pardoned a much weaker execution of it, than has really been effected. But Mr Hillhouse's temerity stops not here. He has not only made the devil his hero, but, according to established usage,

he has made his hero in love. Think of that ; the devil in love ! none of your inferior spirits, or fallen angels of low degree ; but the arch fiend himself, desperately in love with a granddaughter of David ! This, as we barely state it, appears altogether ludicrous ; but in the poet's conduct of it, there is nothing ludicrous, and hardly anything which is revolting. If it had been announced at the first, as was the custom in the ancient Mysteries, that ' here comes the devil incarnate, in the shape of prince Hadad, and here comes the lady Tamar, of whom he is enamoured,' our ideas of propriety would perhaps have received an irrecoverable shock ; but the secret is so well kept from us in the introductory scenes, it is so gradually unfolded, or rather hinted at, in the course of the poem, and the principal character is sustained with so much dignity, that none but a serious impression is left upon the mind of the reader, and the dialogues between Hadad, or Lucifer, and the daughter of Absalom, are the most solemn and tender in the work. The general outline of the fiend is that of Milton's Satan ; and it is only when we have finished the perusal of Mr Hillhouse's drama, that we are permitted to reflect how hazardous an undertaking it was, to bring forward this same lofty, solitary being, who warred with the Almighty, and preferred to reign in hell rather than serve in heaven, to bring forward this one into the Jewish court, and occupy him with an earthly love.

But let us relate the story. Those who have not read it, will desire the recital ; and those who have, will make no objection to their memory being refreshed by the repetition.

The first scene introduces to us Hadad, who is a hostage in Jerusalem, conferring with Mephibosheth, the son of Jonathan, and endeavoring, though with little direct success, to make him renounce his allegiance to David, who is represented as the usurper of a throne, which belonged of right to the descendant of Saul. Then follows a dialogue between Hadad and Absalom, in which the jealousy of the latter is successfully inflamed against his younger brother Solomon. This conference is interrupted by the prophet Nathan, at whose appearance Hadad precipitately withdraws ; and here the first suspicion is awakened with regard to that person's character.

‘*Nath.* Why doth that Syrian shun me? Always thus  
 He, like a guilty thing, avoids my presence.  
 Where’er I find him, and I find him ever  
 Closely conferring, whether roofed, as now,  
 Or on the walls, or in the streets, or gates,  
 Or the resorts of men, if I appear,  
 His bright mysterious eye seems conscious of me,  
 And soon he vanishes. I touched him once.  
 He turned, as he had felt a scorpion; fear  
 And loathing glared from his enkindled eyes,  
 And paleness overspread his face, like one  
 Who smothers mortal pain. Fierce, subtle, dark,  
 Designing, and inscrutable, he walks,  
 Among us like an evil Angel.’

The same distrust is expressed in the succeeding scene by the seer to King David, joined with the counsel that the suit of Hadad for Absalom’s daughter Tamar, should be rejected. The king, however, does not readily admit his advice, and especially refuses to suspect the designs and fidelity of Absalom, against whose policy Nathan also warns him.

The third scene is the beautiful one between Hadad and Tamar; which has been so often quoted, that we shall forbear transferring it to our pages. In the course of it, the seeming prince attempts, with alluring words, to instil into the mind of the loving and confiding princess, doubts of the goodness of Jehovah, and a preference for the voluptuous rites of heathen worship. But the maiden is steadfast in her faith and purity.

Repulsed in one quarter, we find the tempter busy in another, laying snares for the virtue of the youthful Solomon. The introduction to this scene is a beautiful description of Jerusalem, before which Hadad is standing alone.

‘*Had.* ’Tis so;—the hoary Harper sings aright;  
 How beautiful is Zion!—Like a queen,  
 Armed with a helm in virgin loveliness,  
 Her heaving bosom in a bossy cuirass,  
 She sits aloft, begirt with battlements  
 And bulwarks swelling from the rock, to guard  
 The sacred courts, pavilions, palaces,  
 Soft gleaming through the umbrage of the woods,  
 Which tuft her summit, and, like raven tresses,  
 Wave their dark beauty round the Tower of David.

Resplendent with a thousand golden bucklers,  
 The embrazures of alabaster shine ;  
 Hailed by the pilgrims of the desert, bound  
 To Judah's mart with orient merchandise.  
 But not, for thou art fair and turret-crowned,  
 Wet with the choicest dew of heaven, and blessed  
 With golden fruits, and gales of frankincense,  
 Dwell I beneath thine ample curtains. Here,  
 Where Saints and Prophets teach, where the stern law  
 Still speaks in thunder, where chief Angels watch,  
 And where the Glory hovers, here I war.'

Meanwhile Absalom is continually worked upon by the arts of the indefatigable seducer, till his affections are completely alienated from his father, and he plots against his crown. At the house of Obil, a creature of Hadad's, we have a meeting of the conspirators, three of whom, Ahithophel, Manasses, and Malchiah, are members of the royal council. Couriers come in, from various parts of the country, with accounts of so favorable an aspect, that the morrow is fixed on for the day of unmasked rebellion.

The fourth act opens with a scene on the top of Mount Olivet, which is crowded with fugitives from Jerusalem. King David, driven from his throne by his unnatural son, is worshipping among his household ; while Joab, Benaiah, and other chieftains, marshal the multitude. We will extract a part of the scene for our readers, principally because the fierce and impetuous character of Joab is so well preserved in it.

'*Ben.* Go bid yon loiterers hasten over Kedron,  
 If they would march with us.

*Joab.* Let them abide ;—

Why crawl they after us ?—What seest thou, ho ?

[*Addressing a Soldier stationed in a tree above him.*]

*Soldier.* Nothing, my lord, but people from the city  
 Hurrying this way.

*Joab.* Look not on them, fool ; fix  
 Thine eyes upon the south.

*Soldier.* I do, my lord.

*Joab.* What seest thou toward the Prince's pillar ?

*Soldier.* Nothing.

*Joab.* On that same open height beyond it ?

*Soldier.* Nothing.

*Joab.* Well, nail thine eyes there.—Will the old man's prayer  
Stretch out till doom? Benaiah, we lose time;  
We should be now beyond Bahurim.

*Ben.* Be patient;  
The stroke was bitter, and his heart seemed fraught  
Almost to bursting.

*Joab.* Better rive at once,  
Than meet the tender mercies of his son  
By loitering here. By heaven, I'll rouse him—

*Ben.* Hold,  
Hold, Joab!

*People.* Stand aside—Back there—The King!  
[KING DAVID comes forward among the People; Enter HUSHAI,  
with his garments rent; he falls to the ground, and clasps the  
King's feet.]

*Hush.* God save my lord the King! Live I to see  
My master thus! the Light, the Rock of Israel!

*K. Dav.* Once, Hushai, once the candle of the Lord  
Beamed on my head, and like a shadowing rock,  
His buckler sheltered me. Thou seest me, now,  
Dark and defenceless; all my leprous sins  
Wrathfully visited upon my people.

*First People.* What will become of us?

*Second People.* Alas! alas!  
Heaven hath forsaken us!

*Third People.* Wo, wo, alas!

*Joab.* (*Going among them.*)

Peace with your howling! Peace! or ye shall feast  
The wild beasts of the wilderness.—My lord,  
We linger here while death is at our heels.

*K. Dav.* Hushai.

*Hush.* Command thy servant.

*K. Dav.* Turn thou back;  
Mix with his council; seem as they. Thy words  
May blast Ahithophel's, whose malice, else,  
Will work our ruin; With us thou canst nought.—  
Abiathar and Zadok stay behind,  
By my commandment, with the Ark; To them  
Communicate what thou canst learn of import;  
They will despatch it to me by their sons,  
Where I shall wait them in the wilderness.

*Joab.* Depart ere thou art seen.

*Hush.* God guard the King,  
And bring him home to Zion.

*K. Dav.* May it please Him!

The whole of this part of the poem is hardly more than a dramatic version of the original story, as it is related in the second book of Samuel. Obedient to the desire of his master, whose prudence and foresight are awakened, instead of stupified, by misfortune, Hushai, the faithful counsellor, returns to the city, in order to countermine and defeat the purposes of Absalom. It was the usurper's interest to press on immediately with his forces, and overwhelm his father before he could collect his friends and recover from his confusion. It was consequently Hushai's part to induce delay, by representing it as the wisest and safest course. This he effectually accomplishes. But the whole of the council scene, in which the debate takes place, is so favorable a specimen of Mr Hillhouse's powers, that we shall present it in his own words; and the rather, because, though it is inferior to none in the poem, we have not seen it extracted in any of the notices which have been given to the public.

' *The council-hall.* ABSALOM, AHITHOPHEL, MANASSES, MALCHIAH, HUSHAI, and others, in debate; AHITHOPHEL speaking.

*Ahith.* My lord, you know them not—you wear, to-day,  
The diadem, and hear yourself proclaimed  
With trump and timbrel Israel's joy, and deem  
Your lasting throne established. Canst thou bless,  
Or blast, like Him who rent the waters, clave  
The rock, whose awful clangour shook the world  
When Sinai quaked beneath his majesty?  
Yet Jacob's seed forsook this thundering Guide,  
Even at the foot of the astonished mount!—  
If benefits could bind them, wherefore flames  
The Ammonitish spoil upon thy brows,  
While David's locks are naked to the night dew?  
Canst thou transcend thy father? is thy arm  
Stronger than his who smote from sea to sea,  
And girt us like a band of adamant?—  
Trust not their faith. Thy father's root is deep;  
His stock will bourgeon with a single sun;  
And many tears will flow to moisten him.—  
Pursue, this night, or ruin will o'ertake thee.

*Ab.* What say'st thou, Hushai? Speak to this, once more.

*Hush.* I listen to my lord Ahithophel,  
As to a heaven-instructed oracle;  
But what he urges more alarms my fears.

Thou seest, O King, how night envelopes us ;  
 Amidst its perils, whom must we pursue ?  
 The son of Jesse is a man of war,  
 Old in the field, hardened to danger, skilled  
 In every wile and stratagem ; the night  
 More welcome than the day. Each mountain path  
 He treads instinctive as the ibex ; sleeps,  
 Moistened with cold dank drippings of the rock,  
 As underneath the canopy. Some den  
 Will be his bed to-night. No hunter knows  
 Like him, the caverns, cliffs, and treacherous passes ;  
 Familiar to his feet, in former days,  
 As 'twixt the Court and Tabernacle ! What !  
 Know ye not how his great heart swells in danger  
 Like the old lion's from his lair by Jordan  
 Rising against the strong ? Beware of him by night,  
 While anger chafes him. Never hope  
 Surprisal. While we talk, they lurk in ambush,  
 Expectant of their prey ; the Cherethites,  
 And those blood-thirsty Gittites crouch around him,  
 Like evening wolves ; fierce Joab darts his eyes,  
 Keen as the leopard's, out into the night,  
 And curses our delay ; Abishai raves ;  
 Benaiah, Ittai, and the Tachmonite,  
 And they, the mighty three, who broke the host  
 Of the Philistines, and from Bethlehem well  
 Drew water, when the King but thirsted, now,  
 Raven like beasts bereaved of their young.—  
 We go not after boys, but the Gibborim,  
 Whose bloody weapons never struck but triumphed.

*Malchi.* It were a doubtful quest.

*Hush.* Hear me, O King.

Go not to-night, but summon, with the dawn,  
 Israel's ten thousands ; mount thy conquering car,  
 Surrounded by innumerable hosts,  
 And go, their strength, their glory, and their King,  
 Almighty to the battle ; for what might  
 Can then resist thee ? Light upon this handful,  
 Like dew upon the earth ; or if they bar  
 Some city's gates against thee, let the people  
 Level its puny ramparts, stone by stone,  
 And cast them into Jordan. Thus, my lord  
 May bind his crown with wreaths of victory,  
 And owe his kingdom to no second arm.

*Ahith.* O blindness ! Lunacy !

*Hush.* I would retire ;  
Ye have my counsel.

*Ahith.* Would thou hadst not come,  
To linger out with thy pernicious talk  
The hours of action.

*Hush.* Wise Ahithophel,  
No longer I'll offend thee. Please the King——

[ABSALOM waves him to resume his seat.]

*Ahith.* By all your hopes, my lord, of life and glory,  
I do adjure thee shut thine ears to him !  
His counsel's fatal, if not treacherous.  
I see its issue, clearly as I see  
The badge of royalty,—not long to sit  
Where now it sparkles, if his words entice thee.—  
Never was prudence in my tongue, or now.—  
Blanch'd as I am, weak, withered, winter-stricken,  
Grant but twelve thousand men, and I'll go forth.  
Weary, weak-handed, what can they, if taken,  
Now, in their first alarm ?

*Ab.* Were this resolved,  
We would not task thy age. What think ye, sirs ?

*Manass.* My lord, the risk is great : a night assault  
Deprives us of advantage from our numbers,  
Which in the open field ensure success ;  
And news of a disaster blown about,  
And magnified, just now, when all are trembling,  
Might lose a Tribe, might wound us fatally.  
Hushai's advice appears most prudent.

*Ahith.* Fate !

*Malchi.* I think so too, my lord.

*Others.* And I. And I.

*Ahith.* Undone !

*Ab.* The Council are agreed, this once,  
Against you, and with them the King accords.

*Ahith.* (*Stretching his hands toward ABSALOM.*)  
Against thyself, thy throne, thy life, thy all !  
Darkness has entered thee, confusion waits thee,  
Death brandishes his dart at thee, and grins  
At thy brief diadem !—Farewell ! Farewell !—  
Remember me !—I'll not be checked and rated,—  
Branded with treason—see my hoary hairs  
Hooted and scoffed at, if they're spared, indeed,  
For such indignity.—Thou'lt follow soon.

[Exit.]

*Ab.* Or win or lose, we walk not by thy light.



*Malchi.* The old man's strangely moved.

*Manass.* His fury seemed

Prophetical.

*Ab.* The Council is dissolved,  
Here to assemble in the morning early,  
To order for our absence. Leave us now  
To private business.

*Counsellors.* Save our lord the King.'

While these things are going on, Tamar, shocked at her father's crime, escapes from her apartments, is rescued in the streets from violence by two ancient Jews, and is conducted by them to the temple, which she had been seeking as a place of safety. She is torn from the sanctuary, however, by Hadad, and brought back, as we are left to suppose, to her father. Just before the battle, Absalom places her under the care of Hadad, with an injunction that he should keep aloof from the turmoil, and if the fortune of the day declared for David, that he should bear her away to the palace of his old friend Talmai, king of Geshur. After this we see no more of the contending parties, but have an account of the fight from some who witness it. It is waged in the forest of Ephraim; in one part of which we are introduced to the peaceful tents of a company of Ishmaelites. Women are seen under the trees, and one is singing before the door of her tent. Presently a man comes in, with the intelligence that two mighty hosts are joining battle; and soon after Tamar, pale and fatigued, and conducted by Hadad, craves and receives the shelter and hospitality of the tent. Then we have an exceedingly animated description of the battle, given by several of the Ishmaelites, as they enter, one after another, from the field, laden with the spoil of the slain. Abimelech, the master of the tent, returns last of all, and relates the defeat of the rebels, and the death of Absalom.

' *Abim.* He fled upon a mule, and disappeared,  
And had escaped I thought, though hotly followed,  
Taking the wood when met upon the plain.  
But as I crossed the forest far within,  
A trumpet roused me. Hearing earnest voices,  
I made that way, through a close brake, to spy  
The danger. Near the thicket's verge, I saw  
A concourse round an oak. Intent they seemed

On some great spectacle. Opening anon,  
I saw him, bleeding, and transpierced with darts,  
Borne past me on their shields.

*Had.* What was his vesture ?

*Abim.* Fragments of purple hung about his shoulders.

*Had.* His arms ? his helm ?

*Abim.* Unhelm'd his head, and bare ;  
His breastplate sparkled, studded, and engrailed  
With flowers of gold, pure burnish of Damascus.

*Had.* His stature—

*Abim.* Palm-like tall, of noblest aspect ;  
With ample locks that trailed upon the ground.

*Had.* Let Hades rise to meet him reverently,  
For not a Kingly Shadow there sustained  
A prouder spirit.

*Abim.* I have watched

His dauntless bearing through this desperate day  
Too keenly to mistake. Though he miscarried,  
He well deserves a valiant memory,  
And fought it like a son of David.'

Hadad conceals from the guard who accompany him, the fate of their master Absalom, and sends them forth in pursuit of him. He then leaves the Ishmaelite's tent with Tamar, under pretence of pursuing their journey to a place of safety, but in reality for the purpose of obtaining undisturbed possession of her. In a dark and solitary wood, he addresses her by every possible argument, which he thinks may prevail on her to yield herself up to his power and protection. On her persisting in her resolution to return to her grandfather David, he begins to reveal his real nature, and promises her the gift of immortality, if she will but authorise the act by one consenting word. Instead of being dazzled, the princess becomes terrified, and Hadad, dismissing all caution, unfolds to her his character, and the whole course of his love. He tells her, that the first time he saw her, himself invisible, was when she returned with her father Absalom from Geshur, that he was satisfied with gazing on her and being near her, till the young Syrian, the real Hadad, won her affections ; that he then first knew 'Hell's agonies, and writhed in fire, and felt the scorpion's sting ;' but yet he did not harm his rival, who was killed by some outlaws while hunting among the mountains ; that he then assumed his

body, and since that time had worn it, braving all the consequences of the deed for her love. Several striking circumstances are introduced, but we will not mar this highly wrought and terrible scene by transcribing them. To conclude our abstract of the story, Tamar, resisting the advances of her infernal suitor, and calling on God for aid, is dragged into a cave. A party of David's soldiers, who happen to be near, hasten to the spot; but aid of another kind had arrived before them. One of them, who had entered the cave, rushes out in an agony of terror, and gives the following answer to his companions, who ask him what he saw.

‘ One like the Cherubim,  
Dreadfully glistening, wing'd, and dazzling bright  
As lightning, whose fierce-bickering eyeballs shot  
Sparkles like arrows, filling all the cave  
With red effulgence,—smiting with grasp'd beams  
A howling, withering, ghast, demoniac shape,  
Crouched like a venomous reptile,—rage and fear  
Gleaming in his fell eyes,—who curs'd and gnash'd  
And yelled, till death's last livid agony.’

Tamar, of course, is rescued, and the withered body of Hadad, dispossessed of the foul spirit, is left upon the ground.

An observable characteristic of this poem is the equal tenor of its composition. There is nothing in it which is mean, or inconsistent with the dignity of the subject; with the exception of one incident, which we shall notice presently. In one of his other performances, ‘The Judgment,’ Mr Hillhouse was equally remarkable for the almost presumptuous nature of his theme, and for the reputable manner in which he bore himself through it. If we compare the two productions, we shall find quite as much genius and poetic talent displayed in the Judgment as in Hadad; but in the latter there is more maturity, greater ease, and an increased capacity expressed for a long sustained flight.

Mr Hillhouse is a careful writer. He observes all the proprieties of place, time, and character. In perusing Hadad, we were struck with his constant adherence to historical and geographical truth, and his continual allusions to the customs, manners, events, and superstitions of the people among whom he had laid his scene. His *dramatis personæ* are not mere-

ly a list of Jewish names, but they are Jews, clad in Jewish costume, living in Jewish houses, expressing Jewish opinions, and talking, as far as possible, a Jewish language. The people are the descendants of Abraham, and the country is Palestine. We have exhibited a glimpse of Joab's portrait, of David's, and of Ahithophel's; the rest are equally faithful, and Absalom's and Mephibosheth's are as marked and distinct as either of these three.

We see but little of the young Solomon; and it is in the scene where he is brought forward, that the incident occurs, which we have said is beneath the general gravity of the piece. Hadad tempts the prince by showing him a box, which contains an intoxicating perfume, and on the lid of which is depicted a glowing representation of Venus and Tammuz,—very like the snuff-boxes, we presume, which some of our beaux wear in a private pocket, and show to their particular friends. As the fiend is relating the story of the picture, the marplot Nathan enters, snatches the box from the prince, examines it, throws it on the ground, and *it flashes and rises in smoke!* We allow that the kind of temptation employed, is in perfect keeping with the character of Solomon, and his future frailties and follies; but to our taste, the snuff-box, the flashing and the smoke, are too childish and marvellous; they savour too strongly of the puppet show.

We were somewhat surprised, considering our author's habit of correctness, to find him guilty in several instances, of false accentuation. In words of every day use, casual incorrectness may pass without rigid reprehension; because the living voice of the public, and a crowd of cotemporary writers will preserve the authorised pronunciation; but among proper names, a deal of confusion may be introduced by a single respectable poet, if he does not take especial care to observe their orthoepy. If Mr Hillhouse had merely written *pré'cedence* for *prece'dence*, and *e'querries* for *equer'ies*, we should not have minded it; but we deem it our duty to point out to his notice the accentuation of *Gilbo'a* instead of *Gil'boa*; *Aba'na* instead of *Ab'ana*; *Maz'zaroath* instead of *Mazza'roth*; *Bethaba'ra* for *Bethab'ara*; *Pagi'el* for *Pa'giel*; and *Neth'inims* for *Neth'inims*.

Here we will end our fault finding; for we did not sit down to find fault, but to express the high opinion which we

entertain of this poem, and our gratitude to the author of it. There are some folks, we know, who pretend to think it very tame in us that we do not cut up every author who falls in our way, till we can see his bones; and who charge us with loading all American writers with thick and indiscriminate praise, for no other reason than because they are American. In answer to this, we will merely remark, that we are not blind to the miserable stuff, which is constantly thrown off by the presses of our country, but that it is not often we feel any desire to soil our hands with it; secondly, that we have no compunction in confessing, that we do hail, with infinitely more delight, a good work which is produced by native genius, than one of equal quality which is sent to us from the land of our ancestors, because we stand in lamentable need of such things, and the English have a plenty of them, and moreover because we are Americans ourselves. Our third remark is, that whenever we think a work is good, whether it be poetry or prose, we shall be sure to say so.

Mr Hillhouse's *Hadad* is an ornament and bright addition to the literature of our country. We can send it abroad without a blush or an apology; not as being of the highest order of excellence, but as a sample of American poetry, full of beauty, dignity and interest. We read it with pleasure, and we came to its last page with regret.

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ART. III.—*Reports of Cases, argued and determined in the Supreme Judicial Court of the State of Maine.* By SIMON GREENLEAF, Counsellor at Law. Vol. II. Containing Cases of the years 1822 and 1823. Hallowell. 1824.

'THE attendance of courts,' says Lord Bacon, 'is subject to four bad instruments; first, certain persons that are sowers of suits, which make the court swell and the country pine; the second sort is of those that engage courts in quarrels of jurisdiction, and are not truly "*amici curiæ*," but "*parasiti curiæ*," in puffing a court up beyond her bounds, for their own scraps and advantages; the third sort is of those that may be ac-

counted the left hands of courts ; persons that are full of nimble and sinister tricks and shifts, whereby they pervert the plain and direct courses of courts, and bring justice into oblique lines and labyrinths ; and the fourth is the poller and exacter of fees ; which justifies the common resemblance of the courts of justice to the bush, whereunto while the sheep flies for defence in weather, he is sure to lose part of the fleece.' Had the learned chancellor continued to our own time, he might have found at least one more subject for his grave wit, in the multitude and increase of law reports.

To say nothing of the luxuriance of the English press in this department, our own country has become the field of so much legal disputation, and, consequently, of judicial decision, that it requires no despicable share of money and leisure, to supply our libraries with volumes, that publishers are continually laying before us, or to keep pace with the emphatically '*written* reason,' which they tacitly demand of us to examine as well as to purchase. But hard as it is to pay so dear for what we may call technical books, and which the world cares so little about, we want our own reports.

Our age is not peculiar in its complaint of the increase of law books. Lord Mansfield, in the middle of the last century, referred to the multiplication of this species of human industry with infinite complacency. His remark was, that though the increase was great, it did not increase the quantity of necessary reading ; as the perusal of the new, frequently superseded the necessity of that of the old production. If this remark of his Lordship was true in his own time, it has certainly gained force since the period his splendid intellect adorned the British bench,—and whether he referred to books of reports or elementary works, all of our age, and especially those of our countrymen, who are destined for the bar, will feel the peculiar pertinency and meaning of the observation. Indeed, in this country, where there is a score of independent sovereignties, each supporting its own system of judicature, and more than half of them their reporters of decisions, there is consolation in the thought, that the plan of systematising the science, and reducing the disjointed and rambling principles of the system, to the subjection of essays and law treatises, has gone so far ; and

whether done by Englishmen or Americans, they both deserve the thanks of the profession. In this country, therefore, we may well entertain a special regard for all elementary works of the law. And the value of such works, for the concentrating character which they are intended to possess, is yearly increasing with us. It is not a matter of little surprise, that twentyfive years ago, the best library of American reports that could be summoned by money or magic, within the circumference of the Union, might have been borne the circuits in a portfolio, while now, there are hardly less than two hundred within our territories. Valuable, then, must be such collections of legal principles, and dissertations upon them, while they serve to keep sacred and distinct the doctrines they discuss; and doubly valuable, when by the patience, and industry, and investigation of their authors, we find decisions upon those principles, collected from different parts of our country, and the reasons of those decisions brought into one comprehensive view, and confronted with the opinions of those, whose fame is in the Year Books, and who may almost be said to have fixed the immutable axioms of the law.

Numerous, however, as are the books of reports that are daily soliciting our attention, many of them are the vehicles of decisions, interesting and important in public estimation, so that, while we need not fear, with Mr Justice Buller, the 'shipwreck of the law' from the intervention of 'hard cases,' we may well hope for the safety of it in those high authorities, which our own time has seen erected like fortifications around its principles. High political excitements, and political emergencies, give occasion for legal dilemmas; and though we should be slow to believe, that any situation of things would raise questions between parties, that could hide the old 'landmarks' from the penetration of our learned jurists and judges, still the opinion may be ventured, that under circumstances of national tranquillity the science advances with surer, because soberer steps, and that we shall hereafter be induced to point to our peaceful times, as the periods of the most important decisions, and the highest juridical learning, as developed in our books of authorities. As it is, the principles of the common law are becoming every day, from such frequent application, better understood, and our judicial character more effectually established.

The character of an accomplished reporter is no ordinary acquirement. To win this reputation requires legal penetration and acumen, as well as a familiarity with principles and forms, and an adroitness in reference and application. A faithful and able reporter of judicial reasoning, gives a dignity and weight to the tribunal under whose adjudications he may sit. The method of compressing the arguments of counsel, which Mr Greenleaf has in some instances carried to an extreme, has been matter of complaint in the mouths of some men, too eminent in the walks of judicature to need such arguments at all. But we are sure, that neither the rights of parties, nor the reputation of the law, is jeopardized by such a course. Judges have all the advantages desirable, from listening to the arguments *in extenso*, and we must be content to hope, that students will go to the fountains, to which the books of decisions will so frequently direct them.

Our readers need scarcely be told, that this is not the first time that Mr Greenleaf has been before the public in a legal character. His 'Collection of over-ruled Cases,' which appeared in 1821, bore good testimony to his industry, and entitled him to high credit, as well as to the thanks of the profession. The present is the second volume of the decisions of the Supreme Judicial Court of Maine, which has appeared under his auspices, since the separation of that State from Massachusetts. Mr Greenleaf is of the order of compendious reporters. He is lucid and direct in his statement of cases; his arguments of counsel are arranged with logical exactness, and a well conceived brevity, which give us their outline well defined, and yet without any sinuosities. He is happy in his discrimination of the *onus* of the reasoning, and his consequent exposition of it. Mr Greenleaf is always concise, while throughout he never fails to be just; and this is no small praise, when the longest, or most important case in the volume, will be found to allow not above two pages to the arguments of counsel.

The present volume contains about one hundred cases, within the limits of little more than four hundred pages. Many of them are important as well as interesting. The book indicates great industry in the Court, and the decisions bear marks of precision and emphasis, which give to the ac-



curate and intelligent opinions of Chief Justice Mellen the character of strong authority. The opinion of the Court is delivered, in almost every instance, by the presiding Judge.

Though a plain case, the opinion of the Court in *Frothingham vs Dutton* deserves notice. The defendant in that action did not disclose the matter of his defence, but tendered issue, and claimed trial by jury, yet for withholding such disclosure, his right was denied, and he was called. On bringing the cause before the Supreme Court, upon summary exceptions pursuant to the statute, the Chief Justice observed, 'under these circumstances we are of opinion, that the defendants ought not to have been defaulted. They had a *constitutional* right to a verdict of the jury, and to call on the plaintiff to *prove* before them the demand, on which he founded his action.' The default was set aside. Now, however excellent a thing a *code of the Bar*, or the usage of a Court may be, yet when any of the provisions of the one, or the nature of the other, may go to impair a constitutional privilege, few will deny that, by such decisions, they should be virtually abolished. A Court can hardly be supposed to judge of a case, until it is laid before them, and if the party cannot make one out, it is at his own risk that he undertakes to do it. Charles Butler has said, 'That the right of interpretation should be vested in Judges, no reasonable person can deny; but to what extent it should be allowed, or, in other words, to ascertain the exact point, where judicial interpretation should stop, and legislative interpretation intervene, is a question of extreme difficulty.' The observation of this learned lawyer may be very true; but a case of difficulty has not arisen, when we are merely called on to solve the question, 'is or is not the trial by jury our right, whenever we choose to demand it?' Better, at once, that we have a French jury, such as that distinguished jurist has represented to us, and better that interpretation were declared by *arrêts*, than that such an invaluable privilege should for a moment be jeopardized.

The case of 'The Proprietors of the Kennebeck Purchase vs Laboree & als,' which is the most elaborate authority in the book, is one of more than common consequence, as well from the doctrine of *disseisin*, which is involved in it, as from

the judgment that is passed upon the section of the statute of March 1821, on which the defence is founded. That section contained a provision, declaring in substance, that in all real actions then pending, or which should afterwards be brought, it should not be necessary for barring the action, that the premises defended should have been surrounded by fences ; but that, if the possession of the tenant, or those under whom he claimed, had been such as comported with the ordinary management of a farm, and satisfactorily indicative of such an exercise of ownership, as is usual in the improvement of it by the owner, it should be sufficient ; thus changing the principles of the law of disseisin, in regard to past transactions, and virtually taking away the rights of the proprietor. The opinion is long, and ably supported by numerous authorities and strong reasoning. We can here introduce but a few passages from it.

The decision has declared that portion of the law *retrospective* and unconstitutional. After some preliminary observations, the Chief Justice goes on to say ;

‘The doctrine of the common law on this subject seems to be plain and well settled ; a possession must be adverse to the title of the true owner, in order to constitute a disseisin ; the possessor must claim to hold and improve the land for his own use and exclusive of others.’ ‘We are inclined to believe, that upon examination it will be found, that the principles of the common law are applied in England and New York with more strictness as regards the *occupant* of the land. than they have ever been in Massachusetts or with us, upon the doctrine of disseisin ; at least so far as relates to the presumption of law in reference to the intentions of the possessor.’ ‘The facts relied on to prove the possession exclusive’ ‘must, however, be such, as at once to give notice to all, of the nature and extent of the possessor’s improvement and claim.’ ‘It must be such an open and visible occupancy, that the proprietor may at once be presumed to know the extent of the claim and usurpation of him, who has intruded himself unlawfully into his lands, with an intent to obtain a title to them by wrong.’

These are plain principles, and well known ; nor are they introduced for their novelty, but merely for the directness of their statement, and as preparatory to the train of reasoning which leads to the decision.

‘According to existing laws,’ says the Chief Justice, ‘deeds of conveyance of real estate must be *under seal*. Such deeds, to pass

a *fee simple estate*, must contain certain legal terms ; viz.—the conveyance must be to the grantee and his *heirs*. To entitle a widow to dower in her deceased husband's estate, he must have been seized of it *during the coverture*. Now if our legislature should at the next session pass a law, declaring that all deeds of conveyance of real estate, that had *before that time* been executed, or should in future be executed, should be considered and adjudged sufficient in law to pass the estate therein described, in fee simple, though such deeds were not under seal, and contained no words of inheritance ; and that a widow should, in all cases be entitled to dower in her deceased husband's estate, where he had died, or might in future die, seized of such estate, at any time *before* as well as *during* the coverture ;—will the principles on which a free government is founded—will the principles of common honesty and justice, sanction such a law, so far as to give it a *retroactive* effect, and thereby disturb, impair and destroy the vested rights of those, who had become the owners of the estates under *then* existing laws ?

‘Let us further suppose that the action had not yet been tried, but was to be tried at this term. Let us further suppose that the legislature, at their last session, had passed a law declaring that in all actions, then *pending or that might be commenced after the passing of such act*, no adverse, notorious, and exclusive possession of the demanded premises, although surrounded with fences, should be a bar and constitute a good defence in such action ; unless such possession and disseisin has, or shall have been continued for *forty* years, next before the commencement of such action. Now would the tenant, or any other man, understanding and respecting principles, consider such a law constitutional ? On the contrary, would it not be at once pronounced unjust and void ? If such an act of the legislature could be sanctioned, not only the tenant, in the circumstances we have supposed, would be deprived of his estate by a destruction of vested rights, but a large class of citizens, similarly situated, would suffer under similar deprivations. The more the principle of the section in question is examined, the more distinct become its objectionable features.’ ‘In a word, the whole section taken together appears to have been enacted with a view, and for the purpose, of abolishing the distinction, well known to have then existed between a possession *under a claim of title on record*, and a possession *without* any such claim or pretence of title.’

Again he observes ;

‘The section is certainly retrospective as well as prospective. It professes to establish principles by which causes then pending, as well as those which might in future be commenced, should be decided. It professes to operate on *past* transactions, and to give

to facts a character, which they did not possess at the time they took place; and to declare that in the trial of causes *depending on such facts*, they shall be considered and allowed to operate in the decision of such causes, according to their *new character*. It professes to settle rights and titles depending on laws, as they existed for a long series of years *before* the act was passed, by new principles, which for the first time are introduced by its provisions. It professes to change the nature of a disseisin, and thereby subject the true owner of lands to the loss of them; by converting into a disseisin, by *mere legislation*, those acts which, at the time the law was passed, did not amount to a disseisin. It professes to punish the rightful owner of lands, by barring him of his right to recover the possession of them, when, by the existing laws, he was not barred, nor liable to the imputation of any *laches*, for not sooner ejecting the wrongful possessor.'

After illustrating his subject by a few examples, the Chief Justice concludes in the following independent strain.

'It is always an unpleasant task for a judicial tribunal, to pronounce an act of the legislature in part or in whole unconstitutional. We agree with the Supreme Court of the United States, in the case of *Fletcher vs Peck*, that "the question whether a law be void for its repugnance to the constitution, is, at all times, a question of much delicacy, which ought seldom, if ever, to be decided in the affirmative in a doubtful case. But the Court, when impelled by duty to render such a judgment, would be unworthy of its station could it be unmindful of the obligation which that station imposes." We cannot presume that the legislature, which enacted the law, considered the section in question, as violating any constitutional principle, or in any manner transcending their powers. Be that as it may, the oath of office, under which we conscientiously endeavor to perform our duties, imposes upon us as solemn an obligation to declare an act of our legislature *unconstitutional*, when, upon mature deliberation, we believe it to be so, as it does to give prompt and full effect to all *constitutional* laws, in the administration of justice.'

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ART. IV.—*Demosthenis Opera, ad Optimorum Librorum Fidem accurate Edita*. Lipsæ. Excudit Car. Tauchnitz.

By the great majority of the literary world, from his own time to the present, Demosthenes has been considered as unsurpassed, if not unequalled in eloquence. While, how-

ever, there has been so little difference of opinion respecting the degree of his merit, the peculiar nature of it seems to be, at least in this country, very imperfectly understood. Our knowledge of the character of his oratory rests principally on secondary evidence. With Cicero, American students are, comparatively, well acquainted. Their acquaintance with him in early youth, though short and compulsory, is sufficient to give them some general impressions respecting his distinguishing characteristics, and what is of more consequence, to facilitate a more thorough and general perusal of his works in maturer years. Demosthenes is removed one step farther from our reach, by the language in which he writes; and his concise and idiomatic phraseology is so embarrassing to an inexperienced student, as to leave him little leisure to observe and relish the beauties of his author, till after repeated perusals. Few among us have the disposition, or the leisure, to read Demosthenes in the original. He has indeed been ably translated by Leland, but we may observe of translations of ancient authors, what has been remarked of engravings of fine buildings, that they seldom become objects of interest, till after the originals are generally known and studied. We judge of Demosthenes, therefore, from certain vague remarks respecting the fire, the boldness, and the magnificence of his speeches, and the errors into which such language is apt to lead us, are strengthened by an impression, which generally prevails respecting the oratory of the ancients. It is often said that modern orators speak to the reason, ancient orators spoke to the passions, a remark which, if founded in truth, is susceptible of great qualification. From the rank which Demosthenes held in the opinion of all ancient critics, and more particularly in that of his great competitor Cicero, we naturally expect to find what we consider to be the peculiar features of Grecian and Roman eloquence, displayed in the greatest force and abundance in his works. We look for extravagant declamation, for perpetual appeals to the feelings, for a crowd of similes and metaphors; in short, for a style bearing a greater resemblance to the Irish, than to any other modern oratory, and far too bold to be adopted with propriety in a modern assembly.

To those who are conversant with the writings of this orator, we need not say that the opinions, which we have just

noticed, are the very reverse of the truth; to those who are not, we shall offer a few general remarks on his real merit. The most prominent feature in his orations, as has been justly remarked, is argument. He never declaims, till he has first reasoned; he seems to disdain to inflame our passions, till he has overpowered our understanding. Few authors can bear a comparison with him in the originality and ingenuity of his arguments, in their close connexion with the point proposed and with each other; in the succinctness, perspicuity, and energy with which they are stated; in the sagacity and *generalship*, if the term may be allowed, with which he directs his force to those points where his adversary is most vulnerable, and himself most powerful; in all those qualities, in short, which constitute a powerful and accomplished logician. But though an acute and close, he is by no means a dry and cold reasoner; he bears no resemblance to those, who state their sentiments with the calmness, as well as the precision of mathematical demonstration. His argument seems to flow from his heart, as well as his intellect, and is equally impassioned with the declamation of other orators. His declamation, on the other hand, has much of the closeness and terseness, which we find displayed in the ablest arguments. We perceive in it nothing vague or extravagant, nothing florid or redundant, nothing strained or ostentatious; it always seems to enforce and illustrate, as well as to ornament, the arguments to which it refers, and appears to be introduced not only naturally but necessarily. It is scarcely possible, however, to divide the speeches of Demosthenes, like those of most other orators, into argumentative and declamatory passages. Logic and rhetoric are blended together, from the beginning to the end; the speaker, while always clear and profound, is always rapid and impassioned. The vivid feeling, displayed at intervals by other orators, bursts forth in Demosthenes with every sentence. We are forcibly reminded of the description of lightning in Homer;

‘By turns one flash succeeds, as one expires,  
And Heaven flames thick with momentary fires.’

Were we called upon to state, what more than anything else distinguished Demosthenes from all other orators, we should answer, his constant and complete forgetfulness of himself in his subject. His object, in his most celebrated

orations, (with the exception of that on the Crown,) was to thwart and overthrow the ambitious projects of Philip of Macedon, to rouse his countrymen to a course of conduct worthy of themselves and their illustrious ancestry. That Philip was aiming at the sovereignty of Greece, that he feared and hated the Athenians, as the irreconcilable opponents to his schemes of aggrandisement, 'that he was hostile to the city of Athens, to everything which it contained, to the very ground on which it stood, but to nothing so much as its free government,' these were the ideas, which seemed to penetrate and absorb the very soul of Demosthenes, and which he put forth all his strength in impressing on the minds of his hearers. His exordium, though highly finished, is generally brief; he throws himself into the midst of his subject, and seems to have neither time nor thought for anything besides. To gain the assent, and not the applause of the audience, is his single object; his aim seems to be to direct the councils of Athens, utterly regardless of the credit which success may reflect on himself, and he appears to think as little of the skill which he shall display as an orator, as he, who is fighting for his life, thinks of the grace which he shall exhibit in the management of his weapons.

When we consider, that it is the well known property of this enthusiastic sincerity to communicate itself from the speaker to his audience, that connected even with moderate abilities it seldom fails to command a respectful attention, that it is of itself often sufficient to give a temporary interest to the most airy extravagance, it requires little reflection to perceive what effects it must produce, when united with the talents of Demosthenes. By no author is he excelled in the power of engaging and riveting our attention. We feel ourselves in the grasp of a giant, and are hurried along in the course of his argument with unceasing and breathless interest. While, however, we dwell thus forcibly on the entire devotion of Demosthenes to his great purpose, we would not be understood to imply, that his orations are devoid of all remarks of general application. He looks intently on his subject, but it is with the eye of a consummate statesman; his remarks centre in a single point, but they are drawn from a wide circumference. Almost every one of his speeches abounds in maxims of the most profound kind, and the most universal

interest, not formally ushered forth in the garb of philosophy, but, like everything which he utters, springing naturally from his subject, and bearing strongly upon it. That the mind soon loses its dignity if given up to low and grovelling pursuits; that it is the leading duty of a true patriot never to fear responsibility; that no community can ever be great, if it suffer its conduct to be entirely determined by external circumstances; that it is for him who has received benefits to cherish them in his memory, while the giver should be the first to forget them; these, and numerous other political and moral truths of equal moment, are all enforced with the greatest clearness and vigor by Demosthenes. We consider him, in short, as the most striking illustration of the rule subsequently laid down by Horace, in the trite passage, 'ars est celare artem.' His eloquence always strikes us, as the true eloquence of nature, the language of a strong mind under high excitement.

But it is not our intention to attempt a complete, still less a technical description of his various merits, and we shall merely present our readers with a few specimens of his orations, as they appear in an English dress, intermingled with such remarks as naturally suggest themselves. We quote from Leland's translation. It is, however, necessary, to make one or two previous observations, lest our readers should think that our assertions are but feebly warranted by our extracts. The first circumstance to be noticed, is the well known fact, that Demosthenes is one of the last authors, to whom justice can be done by quotations. His orations are the very reverse of those works, which are marked by striking inequalities and forcible contrasts, by brilliant passages which can be easily distinguished, and conveniently detached from everything around them, by occasional beauties which shine out from what is dull or faulty. On the contrary, he everywhere seems animated with a similar, not to say an equal fervor; even in his highest flights he rises gradually, and every part of his speeches is so connected with what precedes and follows, that it cannot be extracted without material injury. The next circumstance, to which we shall advert, is the manifest disadvantage of quoting from a translation. The difficulty of transfusing the spirit of an ancient author into our language is notorious. With Demosthenes this difficulty is



greatly increased, by the nature of his style. This is concise, in many places to a fault, and finished with the most exquisite nicety. Every word is apt and significant, and occupies the very place of all others which best belongs to it, and of course nothing can well be altered, transposed, or omitted. To imagine that such an author can be rendered into our language, without the loss of many beauties of phraseology, to say the least, would be to suppose such a similarity of structure between the Greek and English tongues, as exists between no two languages whatever. Leland's translation is, as before observed, executed on the whole with great ability, and should be in the hands of all, who are debarred from consulting the original. In the important circumstances of a thorough perception of his author's meaning, and an accurate knowledge of the events to which he refers, he has seldom been surpassed. He is also distinguished by great, and when we consider the natural attachment of translators to their authors, we may add, singular and laudable impartiality. He seems to have formed the most just and discriminating opinions of the merits of Demosthenes, and to have imbibed no inconsiderable portion of the spirit of his eloquence. In one respect, however, his translation falls greatly below the Greek, in elegance of phraseology. It contains many expressions, which are now obsolete or trivial; the words are by no means selected and varied with sufficient care, and the style, on the whole, is much more distinguished by strength than by polish. In judging, therefore, of our extracts, we hope our readers will direct their attention to the sentiments, rather than the phraseology. The first passage, which we shall select, is the comparison in the second Olynthiac between the Athenians of the time of Demosthenes, and their illustrious ancestors.

‘These our ancestors, therefore, whom the orators never courted, never treated with that indulgence with which you are flattered, held the sovereignty of Greece, with general consent, five and forty years; deposited above ten thousand talents in our public treasury; kept the king of this country in that subjection, which a barbarian owes to Greeks; erected monuments of many and illustrious actions, which they themselves achieved, by land and sea; in a word, are the only persons who have transmitted to posterity such glory as is superior to envy. Thus great do they appear in the affairs of Greece. Let us now view them within the city, both in

their public and private conduct. And, first, the edifices which their administrations have given us, their decorations of our temples, and the offerings deposited by them, are so numerous and so magnificent, that all the efforts of posterity cannot exceed them. Then, in private life, so exemplary was their moderation, their adherence to the ancient manners so scrupulously exact, that if any of you ever discovered the house of Aristides, or Miltiades, or any of the illustrious men of those times, he must know that it was not distinguished by the least extraordinary splendor. For they did not so conduct the public business as to aggrandise themselves; their sole great object was to exalt the state. And thus by their faithful attachment to Greece, by their piety to the gods, and by that equality which they maintained among themselves, they were raised (and no wonder) to the summit of prosperity.'

This is in many respects a highly characteristic passage. It affords, in the first place, a singular instance of the indifference to mere oratorical display, which we have already mentioned as a striking quality of Demosthenes. What tempting opportunities are here disregarded. How might he have displayed those powerful talents of narration and description, which he has proved so fully in his oration on the Crown. With what force and effect might he have dwelt on those victories, which have furnished themes for the efforts of so many orators and poets, from the time when they were won to the present age. With what graphic touches might he have described those glorious monuments of Grecian art, which are even now the wonder and the study of the civilised world. Far different was his course. The whole history of Athens, from the days of Miltiades to those of Pericles, of her power, her conquests, her trophies, her wealth, her architecture, is comprised in a few brief sentences. It was his design not to raise his own fame as an orator, but to waken his countrymen from their fatal lethargy, to shame them into a more dignified and efficient course of conduct, by reminding them, in simple and affecting terms, of the height, whence they had degenerated. He chose, therefore, merely to elevate and fire their minds, by a few masterly touches, and then to deliver them over to their own reflections.

The next remarkable feature of this extract, which we shall notice, is the exemplary boldness with which the author reproves the follies of his countrymen. It is pleasing to reflect that the ascendancy, which Demosthenes acquired and main-

tained over the 'fierce democracy of Athens,' was in no degree purchased by a mean compliance with their humors, or a timid forbearance towards their faults and follies. This passage is far from a singular instance in which he displays a sincerity, which the most conscientious lover of strict and abstract truth would deem worthy of high applause. His orations are full of the most pointed and caustic censures of the levity and indifference of his countrymen, in their most momentous concerns. He calls them, for instance, 'a helpless rabble, without conduct, without property, without arms, without order, without unanimity;' he declares, 'that no one has the least respect for their decrees, and, finally, that their constitution is subverted.' Language like this, one would think, must be odious in any country, and the mixture of truth which it contained, when applied to the Athenians, would, we apprehend, produce any other effect than that of rendering it more palatable. If we inquire why it was so patiently heard, from the lips of Demosthenes, we may find a sufficient reason in the skill and judgment, with which it is uniformly employed. His censures evidently spring from the purest patriotism, and are uttered not merely to gratify his own feelings, but for a benevolent and practicable object. His reproofs are constantly followed by exhortations and encouragement, and while he condemns, with the most unsparing acrimony, the degeneracy of the Athenians, he never fails to prove that if they will be themselves, all may yet be retrieved. In this respect, to say nothing of any other, we think the orations of Demosthenes a model, which cannot be too highly recommended to politicians of the present day. We trust, indeed, the time is yet distant, when a boldness like his, will be viewed by the citizens of this country, as a crime. In vain shall we boast of the liberty of expressing our thoughts, which is secured by our constitutions and laws, if it can only be exercised under the iron sceptre of an illiberal and jealous public opinion.

Our second extract is from the third Philippic, and requires no preface.

'And now what is the cause of all this? (for there must be some cause, some good reason to be assigned, why the Greeks were once so jealous of their liberty, and are now ready to submit to slavery.) It is this Athenians! Formerly, men's minds were animated with that which they now feel no longer, which conquered all the opu-

lence of Persia, maintained the freedom of Greece, and triumphed over the powers of sea and land ; but now that it is lost, universal ruin and confusion overspread the face of Greece. What is this? Nothing subtle or mysterious ; nothing more than a unanimous abhorrence of all those who accepted bribes from princes, prompted by the ambition of subduing, or the base intent of corrupting Greece. To be guilty of such practices, was accounted a crime of the blackest kind ; a crime which called for all the severity of public justice ; no petitioning for mercy, no pardon was allowed, so that neither orator nor general could sell those favorable conjunctures, with which fortune oftentimes assists the supine against the vigilant, and renders men utterly regardless of their interests, superior to those who exert their utmost efforts ; nor were mutual confidence among ourselves, distrust of tyrants and barbarians, and such like noble principles, subject to the power of gold. But now are all these exposed to sale, as in a public mart ; and in exchange, such things have been introduced, as have affected the safety, the very vitals of Greece. What are these ? Envy, when a man hath received a bribe ; laughter, if he confess it ; pardon, if he be convicted ; resentment, at his being accused ; and all the other appendages of corruption. For, as to naval power, troops, revenues, and all kinds of preparations, everything that is esteemed the strength of a state, we are now much better, and more amply provided, than formerly, but they have lost all their force, all their efficacy, all their value, by means of these traffickers.'

We pass on from the shorter speeches of Demosthenes, to that masterpiece of Grecian eloquence, the oration on the Crown. This is distinguished from the rest, not only by its superior excellence, but by its freedom from their two most important, if not their only defects. The first of these is the coolness generally displayed in the perorations. Demosthenes complied, in this respect, with the rules of Grecian rhetoric ; and it cannot but be greatly regretted, that in so important a particular he should have suffered Art to prevail over Nature. The other fault, to which we refer, is his extreme conciseness. Whether, indeed, this be a fault, seems to be more than doubtful to the ablest critics. It is certainly an error on the right side, and of singularly rare occurrence. It is ascribed by Leland, to the well known character of the Athenians, a people remarkable for their quickness of perception, to whom the slightest intimation was a sufficient clue to the orator's sentiments. Another reason may be found in the fact, that the subjects on which Demosthenes spoke had in general been

previously discussed by other orators, and fully understood, in all their relations by the audience. The assemblies which he addressed were, besides, engaged most deeply in the business before them, and their minds wound up to a degree of interest, which suffered not a single remark to pass unnoticed or unapplied. Still, under all these qualifications, Demosthenes has carried the virtue of brevity to an extreme; and, in this respect, he would be a very unsafe model for the imitation of a public speaker. His shorter orations exact even from a reader, the most wakeful and unremitting attention, and it is scarcely necessary to add, that much of the force and beauty of the finest sentiments, if expressed in a similar style, would be lost by an audience.

In the oration on the Crown, Demosthenes is, compared merely with himself, unusually diffuse. He was probably led to this course by the peculiar circumstances of his situation. His whole conduct was upon trial. He was attacked by an orator, who yielded only to himself in skill and celebrity, and forced to answer to numerous specific charges, which could be refuted only in detail, and at great length, and, as he himself observes, he could only vindicate his own character by a complete history of his public life. This oration is, accordingly, five or six times as long as any of the *Philippics*, and is distinguished by every species of composition, by argument, by narration, by invective, direct and ironical, by comparison, by metaphor, by apostrophe, by figures, both of thought and language, of all descriptions. Our limits will confine us to a very few extracts. The first is an example of the bitter personal reproaches, which Demosthenes heaps on his adversary. They are certainly such as neither would nor should be permitted, by the rules of any deliberative assembly at the present day. They were provoked, however, on the part of *Æschines*, by invectives of equal virulence and ability; and the contest between the two orators was in fact a trial of character. We may also remark, that the reproaches uttered by Demosthenes, both in this and other passages, violent as they are, contain nothing which, if true, could not be decently told, and that they are free from that disgusting vulgarity, which disfigures those of Cicero against *Piso* and *Antony*. The lines in italics allude to the charge of cowardice, which

Æschines had repeated several times in the course of his oration.

‘When you had obtained your enrolment among our citizens, by what means I shall not mention, but when you had obtained it, you instantly chose out the most honorable of employments, that of under scrivener and assistant to the lowest of our public officers. And, when you retired from this station, where you had been guilty of all those practices you charge on others, you were careful not to disgrace any of the past actions of your life. No, by the powers!— You hired yourself to Simmichus and Socrates, those deep groaning tragedies, as they were called, and acted third characters. You pillaged the grounds of other men for figs, grapes, and olives, like a fruiterer; which cost you more blows than even your playing, which was in effect playing for your life; for there was an implacable, irreconcilable war declared between you and the spectators; *whose stripes you felt so often and so severely, that you may well deride those as cowards, who are unexperienced in such perils.*— But I shall not dwell on such particulars as may be imputed to his poverty. My objections shall be confined to his principles. Such were the measures you adopted in your public conduct, (for you at last conceived the bold design of engaging in affairs of state,) that while your country prospered, you led a life of trepidation and dismay, expecting every moment the stroke due to those iniquities which stung your conscience; when your fellowcitizens were unfortunate, then were you distinguished by a peculiar confidence; and the man who assumes this confidence, when thousands of his countrymen have perished, what should he justly suffer from those who are left alive? And here I might produce many other particulars of his character. But I suppress them. For I am not to exhaust the odious subject of his scandalous actions. I am confined to those which it may not be indecent to repeat. Take then, the whole course of your life, Æschines, and of mine; compare them without heat or acrimony. You attended on your scholars; I was myself a scholar. You served in the initiations; I was initiated. You were a performer in our public entertainments; I was the director. You took notes of speeches; I was a speaker. You were an underplayer; I was a spectator. You failed in your part; I hissed you. Your public conduct was devoted to our enemies; mine to my country.’

The next passage, which we select, is a rapid and forcible enumeration of the various and important measures, which had been adopted for the security of the state. To say nothing of its other beauties, the manner in which the orator introduces himself in the third person is singularly happy.

‘ Consider ; what was the part of a faithful citizen ? Of a prudent, an active, and an honest minister ? Was he not to secure Eubœa as our defence against all attacks by sea ? Was he not to make Bœotia our barrier on the midland side ? the cities bordering on Peloponessus our bulwark, on that quarter ? Was he not to attend, with due precaution, to the importation of corn, that this trade might be protected through all its progress up to our very harbor ? Was he not to cover those districts which we commanded, by seasonable detachments as the Proconesus, the Chersonesus, and Tenedos ? To exert himself in the assembly for this purpose, while, with equal zeal, he labored to gain others to interest and alliance, as Byzantium, Abydos, and Eubœa ? Was he not to cut off the best and most important resources of our enemies, and to supply those in which our country was defective ? And all this you gained by my counsels and my administration. Such counsels, and such an administration, as must appear, upon a fair and equitable view, the result of strict integrity ; such as left no favorable juncture unimproved, through ignorance or treachery ; such as ever had their due effects, as far as the judgment and abilities of one man could prove effectual. But if some superior being, if the misconduct of generals, if the iniquity of your traitors, or if all these together, broke in upon us, and at length involved us in one general devastation, how is DEMOSTHENES to be blamed ? Had there been a single man in each Grecian state to act the same part, which I supported in this city ; nay, had but one such man been found in Thessaly, and one in Arcadia, actuated by my principles, not a single Greek, either beyond or on this side Thermopylæ, could have experienced the misfortunes of this day. All had then been free and independent, in perfect tranquillity, security and happiness, uncontrolled in their several communities, by any foreign power, and filled with gratitude to you and to your state, the authors of these blessings, so extensive and so precious. And all this by my means.’

The last quotation, which we shall make, is a part of the oration on the Crown, concluding with his apostrophe to the departed heroes of Athens. Leland’s version of this passage is uncommonly elegant and happy. The principal truth, which Demosthenes here labors to enforce, is no other, than that success is not the necessary result of human exertions, however wise, but the gift of heaven. This would seem to many not only an indisputable, but a commonplace maxim of morality, though no one will deny the singular ability with which it is amplified and illustrated. It is necessary, therefore, to refer to the argument of Æschines. Availing himself of the

disasters, which had befallen Athens during the administration of Demosthenes, this orator accused him with the greatest vehemence, as the author of all her calamities. He represents him as the evil genius of his country, the accursed thing which had drawn down upon her the vengeance of heaven; the illstarred wretch, whose disastrous destiny had outweighed and controlled her better fortunes. These charges, which we believe would not be without their effect on the feelings even of a modern audience, under similar circumstances, must have seemed far more credible to a Pagan assembly, who were prone to consider misfortune, not only as a presumptive proof of misconduct, but as a sure indication of the wrath of the gods. Demosthenes, in reply, after urging that neither he nor any other statesman could be required to possess the gift of prophecy; after showing that the measures, which he pursued, were those of a wise and patriotic minister, and were admitted so to be, by the silent acquiescence of Æschines himself, at the time of their adoption, proceeds as follows.

‘But, since he hath insisted so much upon the event, I shall hazard a bold assertion. But, in the name of heaven, let it not be deemed extravagant; let it be weighed with candor. I say then, that had we all known what fortune was to attend our efforts; had we all foreseen the final issue; had you foretold it, Æschines, (you whose voice was never heard,) yet, even in such a case, must this city have pursued the very same conduct, if she had retained a thought of glory, of her ancestors, or of future times. For, thus, she could only have been deemed unfortunate in her attempts; and misfortunes are the lot of all men, whenever it may please heaven to inflict them. But if that state, which once claimed the first rank in Greece, had resigned this rank, in time of danger, she had incurred the censure of betraying the whole nation to the enemy. If we had indeed given up those points without one blow, for which our fathers encountered every peril, who would not have spurned you with scorn? *You, the author of such conduct*, not the state, or me? In the name of heaven, say with what face could we have met those foreigners, who sometimes visit us, if such scandalous supineness on our part had brought affairs to their present situation? If Philip had been chosen general of the Grecian army, and some other state had drawn the sword against this insidious nomination, and fought the battle, unassisted by the Athenians, that people who, in ancient times, never preferred inglorious security to honorable danger? What part of Greece, what part of the barbarian world, has not heard, that the Thebans, in their period



of success, that the Lacedemonians, whose power was older and more extensive, that the king of Persia would have cheerfully and joyfully consented, that this state should enjoy her own dominions, together with an accession of territory ample as her wishes, upon this condition, that she should receive law, and suffer another state to preside in Greece? But, to Athenians, this was a condition unbecoming their descent, intolerable to their spirit, repugnant to their nature. Athens never was once known to live in a slavish, though a secure obedience to unjust and arbitrary power. No; our whole history is one series of noble contests for preeminence, the whole period of our existence hath been spent in braving dangers, for the sake of glory and renown. And so highly do you esteem such conduct, so consonant to the Athenian character, that those of your ancestors, who were most distinguished in the pursuit of it, are ever the most favorite objects of your praise. And with reason. For who can reflect without astonishment upon the magnanimity of those men, who resigned their lands, gave up their city, and embarked in their ships, to avoid the odious state of subjection? Who chose Themistocles, the adviser of this conduct, to command their forces; and, when Crysilus proposed that they should yield to the terms prescribed, stoned him to death? Nay, the public indignation was not yet allayed. Your very wives inflicted the same vengeance on his wife. For the Athenians of that day looked out for no speaker, no general to procure them a state of prosperous slavery. They had the spirit to reject even life, unless they were allowed to enjoy that life in freedom. For it was a principle fixed deeply in every breast, that man was not born to his parents only, but to his country. And mark the distinction. He who regards himself as born only to his parents, waits in passive submission for the hour of his natural dissolution. He who considers, that he is the child of his country also, is prepared to meet his fate freely, rather than behold that country reduced to vassalage; and thinks those insults and disgraces, which he must meet, in a state enslaved, much more terrible than death. Should I then attempt to assert, that it was I who inspired you with sentiments worthy of your ancestors, I should meet the just resentment of every hearer. No; it is my point to shew, that such sentiments are properly your own; that they were the sentiments of my country, long before my days. I claim but my share of merit in having acted on such principles, in every part of my administration. He, then, who condemns every part of my administration, he who directs you to treat me with severity, as one who hath involved the state in terrors and dangers, while he labors to deprive me of present honor, robs you of the applause of all posterity. For if you now pronounce, that, as my public conduct hath not been right, Ctesiphon must stand condemned, it must be thought that you yourselves have acted

wrong, not that you owe your present state to the caprice of fortune. But it cannot be! No, my countrymen! it cannot be that you have acted wrong, in encountering danger bravely, for the liberty and safety of all Greece. No! by those generous souls of ancient times, who were exposed at Marathon! By those who stood arrayed at Plataea! By those who encountered the Persian fleet at Salamis, who fought at Artemisium! By all those illustrious sons of Athens, whose remains lie deposited in the public monuments! all of whom received the same honorable interment from their country; not those only who prevailed, not those only who were victorious. And with reason. What was the part of gallant men they all performed! Their success was such as the Supreme Director of the world dispensed to each.'

No writings could, we think, be read to more advantage by the rising orators of our own country, than those of Demosthenes. A thorough study of his concise, manly, and practical eloquence, would do much to correct the two most prominent faults of American oratory. The first of these, is the excessive prolixity, by which we are most unfortunately contradistinguished from our transatlantic brethren. In our national House of Representatives, for instance, which, composed as it is of our most distinguished politicians, is certainly no unfair specimen of our deliberative assemblies, five or six weeks are spent in debating upon questions, which would be discussed in the Parliament of Great Britain, and well discussed too, in half as many evenings. The best speakers in that country generally find two or three hours at most, amply sufficient for a complete exposition of their arguments, and those eloquent orations of five or six hours, which are so much in fashion at Washington, are almost unknown. There is some appearance, indeed, that this prolixity of our congressional speakers is working its own cure, and it already begins to be suspected that, in order to convince, it is not indispensably necessary to fatigue. The next fault, to which we allude, is the fondness for unnatural and meretricious ornament, which is occasionally displayed, even by some of our ablest speakers, and which is exhibited, in irrelevant and ostentatious digressions, in cold and trite similes, and a gay confusion of metaphors, in finical circumlocutions, and a studied avoidance of direct and definite language, and, to speak more generally, in offences of every description against classical simplicity. This fault is by no means confined to our oratory, it infects in some degree every

branch of our literature, and must be ascribed in part to circumstances in our condition which can be removed only gradually. A chaste elegance in the art of composition, as in all other arts, is generally the result, in part, of assiduous culture, and consequently the evidence of a high degree of advancement. But we think, that the deficiency of several of our orators in this quality, has been owing materially to the admiration entertained, by so many of our fellowcitizens, for a few faulty models, and more especially for the works of Curran and Phillips. We object to this admiration, not so much because it is extravagant, as because it is indiscriminating. We know that perfect simplicity is compatible with a high degree of ornament, provided it be apt and unforced ornament, and there are certainly passages alike faultless and striking in both these orators, and more especially in the first. But these great beauties are balanced, not to say outweighed, by faults of equal magnitude, and the contrast, striking as it is, seems to have been strangely overlooked by many of our countrymen.

Misled by some of the most glaring absurdities of these brilliant, but irregular productions, they seem to have essentially mistaken the nature of real eloquence, to have supposed not only that it was something more than plain good sense, but something at war with it. We know nothing that could be better adapted to correct impressions like these, than the frequent contemplation of the severe beauty of Attic eloquence. But above all, would we recommend the speeches of Demosthenes, as models of practical *business like* oratory. The present age is a period, when men are *in earnest*, when they seek, even in works of amusement, for something which shall excite intense thought, and call forth their inmost feelings; when they will not endure to hear important subjects treated carelessly or superficially.\* We may add, that if this be the character at the present day, of all enlightened nations, still, more especially, is it that of our own. All our public institutions, all our private and domestic habits, are calculated to render us emphatically a practical people. Every individual is in some degree a man of business. With us a recluse is almost an unknown being, and the most retired students are drawn from their closets to bear some part in the machinery of active socie-

\* See Dr Channing's Sermon at the Ordination of Mr Gannett.

ty. Our whole frame of government presupposes, what our admirable systems of early education have enabled us to verify in a great degree, that our community is made up of thinking, reflecting individuals. No feature in the character of the people, at least of the older parts of our country, is more striking than their singular sedateness and gravity. Their very amusements are strongly marked by these characteristics. Their only festival days are those, which are devoted to the celebration of important agricultural, political, religious, or literary ceremonies. Nothing seems to be intended as the mere sport of the passing hour; all is serious and practical. This peculiar gravity of character is daily becoming more prominent, and diffusing itself more widely. It is surely not improbable, that it will eventually give a coloring to all our intellectual productions, but more especially to our oratory, and that in this country the most popular and successful eloquence will be the grave, manly, argumentative eloquence of which Demosthenes is so splendid an example; which disdains to trifle, which seeks to convince and persuade, not to entertain; which speaks to the reason and the heart, rather than to the fancy; the eloquence of sound thought and deep feeling. The works of Demosthenes, to say nothing of the other illustrious orators of Greece, are alone sufficient to render the language in which he wrote, worthy of the assiduous study of every well educated American.

But the study of good models is, after all, only one means of improving the oratory of our country. Among many others, which might be mentioned, we shall suggest one, both because we consider it of high importance, and because it has not, so far as we are aware, been generally adopted, either in this or any other community; and that is, to oblige the students of our principal literary seminaries to debate, extempore, from time to time, in the presence and under the direction of a teacher. No one will dispute the expediency of such a practice, who considers, either the manifest value, in a country like ours, of the faculty of speaking in public, or the great disproportion which exists among us, between the number of able and accomplished orators, and that of intelligent and well educated individuals. The debates in our legislatures, for instance, more especially in New England, are principally carried on by members of one profession,

(it is true a most respectable one,) that of the law, or rather by that highly favored portion of them, who have previously enjoyed frequent opportunities of exercising and improving their oratorical powers before a judicial tribunal.

This is certainly far from desirable. There are, in every representative assembly, many citizens of other professions and pursuits, well entitled by their wisdom and integrity to the places which they hold, and well able, had they the power of expressing themselves with ease, to shed light on every question of public importance. Yet these men, (putting out of the question rare instances of natural eloquence,) are compelled either to do themselves and their subject injustice, by an imperfect and embarrassed enunciation of their sentiments, or to confine themselves to a simple *yea* and *nay*, and leave the field of debate to their more fluent, though it may often happen, worse informed, or less intelligent brethren. The more discreet generally prefer the latter course, and however clearly they may prove their wisdom by their votes, can exert but little influence over the decisions of others.

That this evil, with many others of a similar nature, would be at least materially remedied, by the measure which we recommend, seems to us beyond a question. We may add, that it is not only a practicable measure, but one which could be carried into execution with the greatest ease, and that it has been, in fact, recently adopted in several of our *Law Schools*. It may, perhaps, be considered as unnecessary, since it is frequently said, that the practice of composition in writing, is the best method of acquiring the power of debating with force and readiness. We are sensible, that this opinion is countenanced by no mean authority, and we should be the last to dispute the numerous and weighty advantages, which can be derived from writing only, but we cannot admit that it is of itself sufficient to render men consummate orators. It may strengthen their power of thought, and increase their command of language, but much will obviously remain to do, which can be accomplished only by debating extempore. This practice, for instance, would greatly facilitate the acquisition of what is a rare accomplishment, in this and in most other countries, *a good delivery*. The reigning defect in our readers and speakers is monotony. Now this fault is often acquired by reading or reciting the works of others, and is occasioned,

more particularly, by the extreme difficulty which we find in entering into the spirit of what we utter ; that is, in inspiring ourselves with the same feelings, while pronouncing a passage, that existed at the time it was composed, in the mind of the author. We find a similar, though a less difficulty, in repeating aloud our own compositions, because the glow of feeling with which they were written, has gone by, and can be recalled only by a strong effort. There is, on the other hand, no monotony in private conversation, because we utter what we feel at the moment, instead of reciting what we recollect, and, for a similar reason, this defect is displayed much more seldom, and in a much less degree, at the bar and in the senate, than in the pulpit.

We hope it will not be inferred from these remarks, that we are in any degree hostile to the prevailing custom of declaiming from the works of distinguished authors. On the contrary, we consider it of the highest value, both as an oratorical exercise, and as a vehicle of noble and useful sentiments. It is only while followed to the exclusion of any other species of declamation, that it can be open to the slightest objection. To conclude, if any readers should complain, that we have noticed only the faults of our public speakers, and passed over their good qualities in silence, we would observe, that this circumstance has resulted from the nature of our design, which has been to suggest some methods for the improvement of American oratory, and by no means to give a picture of its actual condition, a task much too extensive and interesting to be accomplished within our present limits.

The edition of *Demosthenes*, mentioned at the head of this article, is entitled to the praise of great correctness. It has no other recommendation than its portable size ; an advantage dearly purchased by the entire omission of notes, and the employment of a type too small and indistinct to be read without hazard, even by the strongest eyes. This latter defect is one, which has occurred so frequently in recent editions of standard works, both in our own and other languages, that it deserves to be particularly and strongly reprehended.

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*By James Lewis Esq.*

- ART. V.—1. *Manners and Customs of several Indian Tribes, located west of the Mississippi, including some Account of the Soil, Climate and vegetable Productions; and the Indian Materia Medica; to which is prefixed the History of the Author's Life, during a Residence of several Years among them.* By JOHN D. HUNTER. 8vo. pp. 402. Philadelphia. 1823.
2. *Historical Notes respecting the Indians of North America, with Remarks on the Attempts made to convert and civilise them.* By JOHN HALKETT, Esq. 8vo. pp. 408. London. 1825.

MORE than three centuries have passed away, since the American continent became known to the Europeans. At the period of its discovery, it was inhabited by a race of men, in their physical conformation, their moral habits, their social and political relations, their languages and modes of life, differing essentially from the inhabitants of the old world. From Hudson's Bay to Mexico, and from the Atlantic to the Rocky Mountains, the country was possessed by numerous petty tribes, resembling one another in their general features, but separated into independent communities, always in a state of alarm and suspicion, and generally on terms of open hostility. These people were in the rudest condition of society, wandering from place to place, without sciences and without arts, (for we cannot dignify with the name of arts the making of bows and arrows, and the dressing of skins,) without metallic instruments, without domestic animals; raising a little corn by the labor of their women, with a clamshell or the scapula of a buffalo, devouring it with true savage improvidence, and subsisting, during the remainder of the year, upon the precarious supplies furnished by the chase, and by fishing. They were thinly scattered over an immense extent of country, fixing their summer residence upon some little spot of fertile land, and roaming, with their families, and their mat or skin houses, during the winter, through the forests, in pursuit of the animals necessary for food and clothing.

Such a state of society could not but arrest the attention of the adventurer, to whom everything was new and strange. A spirit of inquiry had been recently awakened in Europe,

and the discovery of the mariner's compass, and the art of printing, had wonderfully enlarged the sphere of human observation, and given new vigor to the human faculties. And we find, accordingly, that the man of America soon became the subject of examination and speculation, and many a ponderous tome has been written on the topic, from the letter of Vereyzani to Francis the First, in 1524, down to the latest work manufactured in London, by some professional book maker, whose accurate knowledge of the Indian character and condition has been acquired, by profound observation within Temple bar, or who strings together the falsehoods of such men as the personage, who calls himself John Dunn Hunter; and whose *finale* is always a Jeremiad, upon the savage treatment of the aborigines of this continent, by their barbarous Anglo American neighbors.

In a retrospective examination of this mass of materials, it is easy to perceive, that the progress we have made in this interesting investigation, bears no proportion to the time and labor, which have been expended upon it; nor is it difficult to account for this unsatisfactory result.

Of the external habits of the Indians, if we may so speak, we have the most ample details. Their wars, their amusements, their hunting, and the more prominent facts connected with their occupations and condition, have been described with great prolixity, and doubtless with much fidelity, by a host of persons, whose opportunities for observation, and whose qualifications for description have been as different, as the places and the eras in which they have written. Eyes have not been wanting to see, nor tongues to relate, nor pens to record the incidents, which, from time to time, have occurred among our aboriginal neighbors. The eating of fire, the swallowing of daggers, the escape from swathed buffalo robes, and the juggling incantations and ceremonies, by which the dead are raised, the sick healed, and the living killed, have been witnessed by many, who related what they saw, but who were grossly deceived by their own credulity, and by the skill of the Indian *Waubeno*. We have ourselves, in the depth and solitude of our primeval forests, and among some of the wildest and most remote of our Indian tribes, gazed with ardent curiosity, and perhaps with some slight emotion of awe, upon the *Jongleur*, who with impudent dex-



terity performed feats, which probably it is wiser to witness than to relate. And when the surrounding naked and painted multitude, exulting in the imposing performance, and in the victory obtained over the incredulity of the white strangers, fixed their eyes upon us, and raised their piercing yell, breaking the sounds by the repeated application of the hand to the mouth, and dancing around us with the activity of mountebanks, and the ferocity of demons,

‘ We dare not say, that then our blood,  
Kept on its wont and tempered flood,’

nor that, under less favorable circumstances, the scene might not have been terrific, and impressed us with recollections, equally difficult to reject and to account for. And there can be no doubt, that similar scenes in other times, with proper ‘appliances and means to boot,’ have been the origin of most of those stories of Indian miracles and prophecies, which occupy so large a portion of the narratives of our earlier historians and travellers.

But of the moral character and feelings of the Indians, of their mental discipline, of their peculiar opinions, mythological and religious, and of all that is most valuable to man in the history of man, we are about as ignorant, as when Jacques Cartier first ascended the St Lawrence. The constitution of their society, and the ties, by which they are kept together, furnish a paradox, which has never received the explanation it requires. We say they have no government. And they have none, whose operation is felt either in rewards or punishments. And yet their lives and property are protected, and their political relations among themselves, and with other tribes, are duly preserved. Have they then no passions to excite them to deeds of violence, or have they discovered, and reduced to practice, some unknown principle of action in human nature, equally efficacious with the two great motives of hope and fear, upon which all other governments have heretofore rested? Why does an Indian, who has been guilty of murder, tranquilly fold his blanket about his head, and, seating himself upon the ground, await the retributive stroke from the relation of the deceased? A white man, under similar circumstances, would flee, or resist, and we can conceive of no motive, which would induce him to submit to such a sacrifice. Those Indians, who have mur-

dered any of our citizens, have generally surrendered themselves for trial. The Winebagoes convicted at Belleville, the Osages at the Post of Arkansas, and the seven persons now confined at Mackinac, for the murder of four American citizens upon Lake Pepin, in August 1824, freely delivered themselves to our authority, as necessary offerings for their own guilt, and to exonerate their tribes from suspicion or injury. And it is but a just tribute to the impartial execution of our laws to state, that the persons, who were guilty of the atrocious murder of a number of Indians, a few months since in Indiana, were convicted and executed in June last.

This result is, however, sometimes avoided, by an agreement on the part of the friends of the murdered person, to receive a present, instead of the life of the offender. It is the price of blood, and contributions are freely made to it by all the relations of the criminal. But its acceptance, or rejection, is purely voluntary, and as there is no obligation to receive, so no offence is given by refusing this peace offering. The victim dies, if the love of revenge is stronger than the love of property. In 1824, an Ottawa Indian was killed by a Miami. A formal negotiation was carried on between the two tribes, which finally resulted in the payment of five thousand dollars, by the latter to the former. It is worthy of remark, that the right to kill a murderer, without any preparatory demand, is confined to persons of the same tribe. When the criminal and the victim belong to different tribes, a demand must be made, previously to the adoption of any other measure, which if not satisfied, is followed by war.

Within the last year, we ourselves, far in the interior of the country, while surveying the initiatory ceremonies of the Indian *meetay*, one of their mystical societies, saw a Chipewewa, whose grave and serious demeanor attracted our observation. His appearance led to the inquiry, whether any peculiarity in his situation impressed upon his deportment the air of seriousness, which was too evident to be mistaken. It was ascertained, that he had killed a Potawatamie Indian, during the preceding season, and that the Potawatamies had made the usual demand for his surrender. On a representation, however, that he was deeply in debt, and that his immediate death would cause much injustice to some of the traders, the injured tribe at length agreed to postpone his

execution, till another season, that the produce of his winter's hunt might be applied to the discharge of his debts. He had been successful in his exertions, and had paid the claims against him. He was about to leave his friends, and to receive, with the fortitude of a warrior, the doom which awaited him. He was now, for the last time, enjoying the society of all who were dear to him. No man doubted his resolution, and no man doubted his fate. Instructions, however, were given to the proper agent, to redeem his life at the expense of the United States.

The solution of these moral difficulties, so perplexing in the present state of our knowledge, must be left for future inquirers. We cannot but hope, that the darkness will ere long be dispelled, and that we shall not be left to grope our way with such feeble lights, as serve only to make it the more visible.

It is easier, however, to estimate the difficulties, which have heretofore impeded the acquisition of full and correct information upon all subjects, connected with the past and present condition of the Indians, than it is to obviate them. The earlier and the principal writers on these topics were the Roman Catholic missionaries, who were sent by the French government, at a very early day, into Canada to convert the Indians to christianity. They were men of learning, zeal, and piety, abstracted from all selfish considerations, and wholly devoted to the great objects of their mission. They accompanied the Indians into every part of the country, submitted to unexampled privation, and lived and died with their Neophytes. Their opportunities were most favorable for procuring information, and had they been men of enlarged views, and of sound judgment, we should now have little more to desire. But, unfortunately, every object was seen through the medium of their prejudices, and of their peculiar religious opinions. There was a childish credulity about them, which we know not whether to attribute to their profession, to the age, or to the situations in which they were placed. Every fortunate incident was a miracle; and every uncommon natural occurrence was attributed to the direct interposition of the Deity. A modern French writer, in speaking upon this subject, very pertinently remarks, 'Je ne m'arrête ni à réfuter, ni à examiner de telles asser-

tions ; il semble seulement que la religion véritable trouve, dans ses maladroits sectaires et dans ses prosélytes crédules, des ennemis plus à craindre, que dans ses ennemis les plus ouvertement déclarés.' Even Charlevoix, who was selected by the French government to travel over New France, and to prepare an account of that country, and who wrote so late as 1745, is not free from this superstition. In all other respects, he was a man admirably qualified to discharge the task assigned to him. Patient in investigation, cautious in his belief, and judicious in his observations, his narrative and history contain more sound views on the general subject of the Indians, than the works of all the writers, who preceded, or who have followed him.

In the British colonies, few attempts were made to rescue from approaching destruction, the memorials of the people, who occupied the Atlantic States at the period of the arrival of the Europeans. The aboriginal inhabitants of these colonies rapidly retreated, or disappeared, before the white settlements, nor did they ever evince those attachments to the English, which have marked the intercourse of the interior Indians with the Canadians. There was but little opportunity for doing anything, and but little in fact was done.

Unfortunately, too, for the progress of correct opinions, many of the works of the earlier writers, both English and French, were composed with a view to certain preconceived notions, respecting the origin of the aboriginal inhabitants of America. This was long a *questio vexata*, upon which much sense and nonsense were written, and which we trust no man will again have the folly to revive and discuss. Adair's heavy work is a striking example of the effect of this adaptation of facts to a favorite theory. His great object is to prove, that the Indians are descended from the Jews, and in the teeth of all probability, this object is steadily pursued through a large quarto. No dependence is to be placed upon his statements, where they can produce any effect upon this idle notion. No rational estimate can be formed of the character of any people, without viewing them at home, in their own country, engaged in their ordinary duties and occupations. This is peculiarly the case with the Indians. Those, who hang upon the white settlements, are worthless and abandoned. They have all the vices, without any of the

virtues of civilised and uncivilised life. They know nothing of their own history, nor of the nature of their institutions. Any information derived from them must be vague and unsatisfactory.

But the difficulty of surveying the Indians in their own country, is in direct proportion to its importance. They are jealous and suspicious, unwilling to associate with strangers, and slow to give them their confidence. Persons, unacquainted with them, and ignorant of their language, cannot reside with them, and follow them from camp to camp, through the vicissitudes of the seasons, and exposed to privations, which Indians only can provide against, or successfully encounter. A fortitude and zeal, which could meet and overcome these obstacles, are rarely found, and still more rarely applied to such pursuits.

But the great difficulty, in these investigations, results from the want of some medium of communication between the inquirer and the Indians. Most of the interpreters are of Canadian descent, and do not speak the English language, and none of them are competent, by their education or habits of thinking, to pursue a train of investigation to any practical result. In fact, they can neither comprehend difficulties, which present themselves, nor aid in their solution. In the scale of intellect, they are generally below the more intelligent Indian Chiefs; and all the idle legends of the tribe are received, and repeated by them, with the firmest conviction of their truth. Some progress may be made with their assistance, by interrogating the elder Indians, and by the observance of due caution, in the researches connected with their history, traditions, and manners. And by a tedious process of cross questioning, we may finally arrive at a reasonable probability. And this is the very *Ultima Thule* of our efforts, beyond which is an unknown region. Those, who reach it, must be more fortunate navigators, than we have been. Their opportunities cannot well be greater, nor their zeal and assiduity directed by stronger hopes of discovery.

But it is particularly in philological investigations, that the poverty of our means of communication is most perceptible, and most to be deplored. The perplexing labor of these pursuits can be fully understood by those only, who have made the experiment. A man, who has all his life said, 'I

go yesterday,' 'I go today,' 'I go tomorrow;' whose declarations, wishes, and commands, are expressed by the same word; and in whose conversation, there is no variation between action and passion, must be made to comprehend all the distinctions, both obvious and recondite, of tenses, moods, and voices. But notwithstanding these discouraging circumstances, the subject has been pursued with ardor by many persons, and by some, who are qualified to investigate and discuss it.

Governor Clinton's discourse on the history of the Iroquois, delivered before the New York Historical Society, is a performance, highly valuable for the authenticity of its details, for the clearness of its style, and for the sound and judicious remarks, with which it abounds. This succinct abstract has, also, the merit of being the first attempt at a historical account of any one of our Indian tribes, for Colden's work does not aspire to the dignity of history. It is a dry detail of facts, true, no doubt, but without a solitary reflection, calculated to arrest the attention of the reader, and without even an effort to connect causes with their events. It will, probably, be hereafter found, that the most effectual means of rescuing from destruction, the perishable and perishing memorials of the Indian character, will be to follow the example of Governor Clinton, to confine the attention to a single tribe, and trace their history and progress, through the writings of the French travellers, down to our own times.

Several expeditions have been recently despatched into the Indian country, charged, among other objects, to collect information respecting the condition of the Indians; the plan of which has been creditable to the government of the United States, while their execution has reflected honor on the gentlemen employed in these laborious tasks. The late work of Mr Schoolcraft, describing his travels in the central portions of the Mississippi valley, is marked with many original reflections, on subjects connected with the Indians. His opportunities for observation have been great, and it is evident, that they have not been neglected. His official station, and his local residence, are highly advantageous for further investigation, and we trust the same persevering application, which has heretofore characterised his literary labors, will enable him to fulfil the hopes of his friends, and the just expectations of his countrymen.

Major Long, and the gentlemen associated with him in his two expeditions, have furnished much valuable matter on these topics. The statistical facts, which they have reported, are highly valuable, and will be hereafter referred to, as important data in all general and comprehensive views, which may be taken of the then existing state of the Indians. A very laudable anxiety is manifested by these gentlemen, to procure and record every fact, which could aid them or their readers, in forming just conclusions on the various topics discussed in these works. But it is evident that they felt, and felt severely, the inconvenience of pursuing these speculations, even in the Indian country, without the aid of persons competent to interchange ideas between the red and the white man; and the history of the last expedition, particularly, should serve as a warning to future travellers, passing rapidly through the interior, against committing themselves by the discussion of questions affecting our aborigines, for a full consideration of which, much time, tedious and laborious investigations, and highly favorable opportunities, are essentially requisite. It is not every man, who has lost sight of the flag staff of an interior post, or who has seen a buffalo or a muskrat, that can add anything valuable to the immense stock of materials, which has been accumulating for more than three centuries.

The party under Major Long entered the Indian country, in the neighborhood of Fort Wayne, about the last of May, and left it in the beginning of October, at the Falls of St Mary. They traversed more than three thousand miles of interior country, between these points, and were occupied about four months in that part of their journey; a brief space, for the examination of the immense variety of objects, moral and physical, to which their researches were directed. Almost one third part of the history of the expedition is devoted to an account of the Indians, embracing the Sacs, the Potawatomies, the Sioux, and the Chippewas. This last tribe is at the head of the great Algonquin family of the French writers, and was formerly numerous and powerful; extending, even now, in its various ramifications, from Lake Erie to the Eskimaux, who inhabit the borders of the Frozen Ocean. cursory remarks are also introduced, on the Miamies, Kickapoos, Menominies, and Winebagoes.

The information, from which these accounts were digested and prepared, was furnished by a few Indians, half breeds

and interpreters, whom they encountered upon their journey. These were, for the Potawatamies, Metea, a worthless drunken Potawatamie, and Barron, the interpreter at Fort Wayne, a weak, credulous man; for the Sacs, an Indian of that tribe; for the Sioux, Renville, a trader, who is connected with them by blood; and for the Chippewas, Bruce, a half breed, who speaks no English, and Tanner, who was taken by the Indians in early life, and speaks English very imperfectly. We know all these men well, except Bruce and the Sac Indian; and we know, from our own intercourse with them, that little reliance is to be placed on the judgment of some, and on the veracity of others. Renville is the most intelligent, and even his opinions must be received with great caution. By devoting ample time to the subject, valuable information might be extracted from them, after their confidence was fully gained; and by personal observation and minute inquiries, true and fabulous statements might be separated. But every person, in the slightest degree acquainted with the credulity and prejudices of Indians and Indian interpreters, must know, that answers hastily given to numerous interrogatories, submitted by strangers, passing rapidly through the country, are entitled to very little credit. By some the questions would be misunderstood, and the subject by others; and the ceaseless jealousy and suspicion, which never leave an Indian, would lead to many a wilful misrepresentation.

Surely the intelligent gentlemen, who composed that expedition, will not demand from the readers of its history, their implicit belief in accounts thus collected and reported. The task would be ungrateful in itself, and peculiarly disagreeable to us, to point out the numerous errors of fact and opinion, into which they have been led. We must, however, in justice to our own *national character*, restrict the application of the contemptuous comparison, mentioned in the second volume, (p. 168,) to the sense in which it is used by the Chippewas. It is there stated, that when anything awkward or foolish is done, the Chippewas say, *Wametegogin gegakepatese*, which signifies, 'as stupid as a white man.' The expression used on these occasions is, 'as stupid as a Frenchman.'

Like Frenchman as fool.  
Ketchewa Waamitikozeengk aashee Kekeepauteseet.

There is one remark in the work, so general in its application, that if not corrected, it may hereafter lead to important



errors in the investigation of the affinities of the different tribes. It is said, the 'Totem' is a distinguishing characteristic between the nations of the Algonquin family and those of the Sioux. The Potawatamies are stated, and correctly, to have the *Totem*, but 'not to be divided into tribes, designated by the names of animals, as is reported to be the case with the Missouri Indians, but they are distinguished merely from their local habitations.' Now the *Totem* is the armorial badge or bearing of each tribe, into which the various nations are divided. It is the representation of the animal, from which the tribe is named. This is not the place to discuss the principles and objects of this institution. It is one of the most important in aboriginal polity, and its full developement would lead to new views and opinions. Its operation is felt in religious ceremonies, in the laws regulating marriages, and in the succession and election of civil, or, as they are called, Village Chiefs. If one of the tribes has a right to furnish the Chief, the others have a right to elect him.

The tribes are named from the Eagle, the Hawk, the Beaver, the Buffalo, and from all the 'beasts of the field, the fowls of the air,' and the fishes of the rivers and lakes. The succession in the tribes is in the female line, and the figure of the sacred animal is the *Totem*, which every individual of the tribe affixes, whenever his mark is necessary, or wherever he wishes to leave a memorial of himself. This beloved symbol adheres to him in death, and is painted upon the post, which marks his grave. We consider it by no means certain, that the Sioux have no *Totem*. We have conversed with Renville on this subject, and discussed it with him, and with Blondeau, a half breed Fox, perfectly well acquainted with the Mississippi Indians. Blondeau led us to believe, that the institution exists among the Sioux; although perhaps its primitive character and objects are changed, and his observations appeared to shake the opinion of Renville.

But it is certain, that the *Totem* is not confined to the Algonquin family. It is in full operation among the Wyandots and Iroquois, whose language is as different from that of the Algonquin Indians, as the latter is from the Sioux.

In dismissing this subject, we shall merely express the hope, that in any future similar undertaking, to which the gentlemen, engaged in this expedition may be called, they may carry

to the task the same zeal, spirit, and intelligence, which they have already displayed, with more favorable opportunities for their exertion, and with at least a moderate portion of skepticism.

But we must conclude these remarks, which have already extended to an unreasonable length, and proceed to an examination of other works, especially Mr Heckewelder's, and those whose titles are prefixed to this article. From the subjects of which they respectively treat, we shall be naturally led to a consideration of the three great interesting topics, which relate to our Indians; namely, their past and present condition; their languages; and the efforts, which have been and should be made, for their moral and physical melioration.

The American Philosophical Society of Philadelphia, animated by a very laudable desire to place upon record all the information, within their reach, on topics connected with the Indians, instituted certain inquiries, the result of which is contained in the first volume of their *Historical and Literary Transactions*. This information is derived from Mr. Heckewelder, and consists of his general account of the Delaware tribe, contained in a series of chapters, and a partial analysis of the Delaware language, principally given in an epistolary form, in a correspondence between himself and Mr Duponceau, a distinguished member of the Society, in which correspondence the former is the teacher, and the latter presents himself as the scholar. This kind of written dialogue is liable to serious objections, in grave discussions, where the efforts of the writer, and the attention of the reader should remain unbroken. And notwithstanding the example of Horne Tooke, in the *Diversions of Purley*, we are prone to the belief, that a little more effort on the part of Mr Duponceau would have enabled him to remodel the correspondence, and combine his questions with the answers of Mr Heckewelder, in such a manner as sensibly to reduce the size of the book, and make a stronger impression on the reader.

Mr Heckewelder was a worthy, zealous Moravian Missionary, who devoted his life, and it was not a short one, to the great cause of Indian missions, and that with more zeal than effect, if we can judge from the character and conduct of the Indians, who belonged to his mission, and who are now under the superintendence of a Moravian clergyman, on *La Rivière*

à la Tranche, in Upper Canada. He was a man of moderate intellect, and of still more moderate attainments; of great credulity, and with strong personal attachments to the Indians. His entire life was passed among the Delawares, and his knowledge of the Indian history and character was derived wholly from them. The Delaware tribe was the first and the last object of his hopes. Every legendary story of their former power, and of their subsequent fall, such as the old men repeat to the boys, in the long winter evenings, was received by him in perfect good faith, and has been recorded with all the gravity of history. It appears never to have occurred to him, that these traditionary stories, orally repeated from generation to generation, may have finally borne very little resemblance to the events they commemorate, nor that a Delaware could sacrifice the love of truth to the love of his tribe. To those, who know something about Indian traditions, nothing can be more unsatisfactory, than these details, unless they are corroborated by the accounts of the early travellers, or by concurrent circumstances. Mr Heckewelder's naïveté is really amusing; and we now look back, with the soberness of experience, to the time, when, in his own house, upon the Tuscarawas, we were as anxious to hear as he was to relate, the marvellous events of his intercourse with the Indians; and when both narrator and hearer believed all that was told, and frequently in an inverse proportion to its probability. We esteemed the man when living, and we cherish his memory now he is dead.

And yet with much valuable information, which his book contains, and notwithstanding the purest intentions with which it was written, perhaps no work, that has appeared for half a century, has produced more erroneous impressions on this subject. Mr Heckewelder thought, and reasoned, like an Indian and a Delaware. In all the contests between the whites and their neighbors, he adopted the train of feeling of the latter. He looked solely at their wrongs, and surely they have been enough, without recollecting the horrible atrocities, which from time to time excited the frontier settlers to deeds of revenge, and, we may add, of vengeance. He looks back to some golden age, when all was peace, and plenty, and innocence; and when the Delawares, the *Grandfathers*, as he styles them, of all the Indians, exercised a paternal control over

them. All this may have been so, but there is not the slightest reason to believe it. At the time of the arrival of the Europeans, and, in all probability, long before, the golden and the brazen ages of Indian history had passed away, and had been succeeded, as in other countries, by an age of iron. The various petty tribes were in a state of constant war; of bloody, exterminating war; of war, as in all after times, which knew no distinction of age, sex, or condition. And their own situation and traditions, the offensive and defensive armor which was used, and the numberless fortifications scattered through the country, prove, that this last and worst curse, which could befall them, had been operating for ages.

The bounties of Providence, offered to these deluded people for their comfort and subsistence, on the land and in the water, were wilfully rejected for pursuits, which rendered it unsafe to traverse their forests, or to resort to their rivers and lakes. By Mr Heckewelder's own account, the Delawares were intruders in the Ohio and Atlantic countries, and obtained possession by the extermination of their predecessors.

But independently of these more general views, which led Mr Heckewelder, in all the wars between the whites and the Indians, to see nothing but a contest of strength and avarice on one side, and of weakness and poverty on the other; his personal predilections for the Delawares, and, we may add, his opportunities of intercourse, which were confined to them, gave a strong bias to his judgment on all questions affecting them. Many of his assertions and conclusions are utterly irreconcilable, not only with the most authentic accounts, which have reached us, but with the traditions of other tribes, and with well known circumstances, in which the Delawares have been placed. In fact, his history, if true, would unhinge all our knowledge upon these subjects, and would destroy every vestige of confidence in the early French authors, who wrote almost two centuries ago, under favorable circumstances for observation; and whose knowledge of the Indians extended to every tribe east of the Mississippi, and west of the Allegany mountains. It is not probable, that Mr Heckewelder had the means of comparing these statements with the traditions of the Delawares. He quotes but two or three of them, and these for other purposes. One he designates *Father La Hontan*, doubtless by an oversight.

La Hontan was a soldier by profession, a skeptic in principle, and a very Münchhausen in the narrative of his adventures. His whole account of the Long River is an impudent fiction, utterly irreconcilable with the known geography of the country; and his character is well drawn by Charlevoix. This author says, that the great liberty, which La Hontan gave to his pen, contributed much to make his book read and sought after by those, who could not tell to what a degree truth and falsehood were confounded in it; and adds, that an intimate knowledge of the history of Canada is necessary to enable a reader to separate one from the other. 'In short,' continues Charlevoix, 'almost all his proper names are mangled, the greater portion of his facts are disfigured, and entire episodes are inserted, which are pure fictions, such as the voyage on the Long River, not less fabulous than the isle of Barataria, of which Sancho Panza was made governor.' 'En effet presque tous les noms propres y sont estropiés, la plûpart des faits y sont défigurés, et l'on y trouve des épisodes entiers, qui sont des pures fictions, tel qu'est le voyage sur la Rivière Longue, aussi fabuleuse, que l'Isle Barataria, dont Sancho Pansa fut fait le gouverneur.'

The effect of Mr Heckewelder's work, upon the prevailing notions respecting Indian history, is every day more and more visible. It has furnished materials for the writers of periodical works, and even of *history*; and in one of those beautiful delineations of American scenery, incidents, and manners, for which we are indebted to the taste and talent of our eminent novelist, 'the last of the Mohegans' is an Indian of the school of Mr Heckewelder, and not of the school of nature.\* To counteract these erroneous opinions, we shall enumerate some of the more prominent errors, into which

\* An anecdote has just gone the round of the papers, which admirably illustrates this misapplication of the feelings and sentiments of civilised life to the Indians. In the account of the introduction of Red Jacket to Lafayette, it is said, that Lafayette asked him, where was the young Seneca, who, in 1784, at Fort Schuyler, so eloquently opposed the burying of the tomahawk. 'The old warrior replied, with all his native peculiarity, "He has the honor to stand before you."' Native peculiarity indeed! This might suit a Parisian dancing master. If such a question were ever put to Red Jacket, we venture to say, he struck his breast, elevated himself, and exclaimed, *Eeh!* It is not a month since we saw, in a respectable paper, an account of a society among the Menomonies, to which persons were admitted by ballot, and where all the ballots must be unanimous to authorise admission!

the author has fallen ; contenting ourselves with the tribute we have already paid to the memory of Mr Heckewelder, and to the merits of the work.

The orthography adopted for the name, by which the Delawares distinguished themselves, *Lenni Lenape*, is not correct, and conveys a very erroneous idea of the sound. It should be written *Lenee Lenaupé*, with the accent on the last syllable, and a strong expiration of the breath ; conveying a sound, which has no exact representative in the English alphabet. Mr Heckewelder indulges himself in much speculation, concerning the meaning of these words. *Lenno*, he says, is man, and *Lenape*, original. *Lenee* is undoubtedly used by the Delawares, in a restricted sense, to signify man. But its more general and proper meaning, is male. Our word *original* conveys an improper idea of the Delaware word *Lenaupé*. Its true meaning is *common* ; and it is applied to such objects, either of nature or of art, as are of common occurrence. Thus, *Aughkweeyun* is cloth, and *Lenee Aughkweeyun*, is common cloth, such as the Indians ordinarily use. *Piyaughkeekun* is a gun, and *Lenee Piyaughkeekun*, is a fusil, or common gun, as contradistinguished from a rifle. The signification of *original*, given by Mr Heckewelder to the word *Lenaupé*, furnishes him with an argument to support his favorite theory, that the Delawares are the stock from which all the other Indians descended.\* Even if this application were well established, it would only evince a little national vanity, too common and too harmless for serious examination. A similar instance is found in a remote tribe under the arctic circle, who, according to Captain Franklin, designate themselves, *the People*.†

No inconsiderable portion of this work is devoted to a description of the claims, advanced by the Delawares to a superiority over the other Indians, and to a recapitulation of their traditions upon this subject. Had the author's acquaintance with the various tribes been more general, he would have known, that these claims were too frequent among them

\* There seems to be much confusion in Mr Heckewelder's own ideas of the name in question, as may be seen by comparing the passages in which he speaks of it. See pp. 25, 368, 412.

† Franklin's Narrative, p. 142.

to be entitled to much consideration. The traditions of almost all of them bear too evident marks of national partiality, to be received without due caution. The patronymic name, *Grandfather*, applied by most of the tribes to the Delawares, and so much relied upon by Mr Heckewelder, furnishes no ground for the conclusion which he draws. The family appellations, given by various tribes to one another, cannot be traced to any relations, which have subsisted between them, since their history has been known to us. This is a curious subject, and involved in much obscurity. Perhaps a full consideration of it might lead to important conclusions. They seem to have considered themselves members of one family, standing in different degrees of relation to one another. Of this family, the Wyandot tribe is the elder brother. All the other tribes, except the Delaware, acknowledge this claim of primogeniture, on the part of the Wyandots. The Delawares call them *uncle*, and this relation is acknowledged by the use of the corresponding term *nephew*. The terms, *grandfather* and *grandchildren*, are interchangeably used between the other tribes and the Delawares. Of those, some are brothers, and some younger brothers. And it is not a little remarkable, that these claims of kindred seem to have no connexion with the present languages spoken by the Indians. We should naturally expect, that the most remote relations would be found subsisting between tribes, whose languages are radically different; being probably descended from different stocks, or from the same stock at very different intervals.

We place no reliance on the traditionary narrative, given by the Delawares, of their early migrations. Of all sources of information these legendary tales are the most uncertain.\* How many accounts have been given by the Indians, of the former existence of the mammoth, and of the period and circumstances of their extinction? Every reader will recollect the speech in the 'Notes on Virginia,' respecting the escape of the last of the species. And yet all these pretended traditions must have been mere fictions, probably in-

\* In the second volume of Major Long's first expedition, page 371, in a report from that officer to the War Department, are some sound and judicious observations, concerning the value of Indian traditions. They accord entirely with our observation, and we recommend their perusal to all, who are disposed to give much credit to these legends.

vented to satisfy the inquiries of the white man. Geologists are now teaching us, that these remains are wrecks of the antediluvian world.

The account given by the Delawares, of the destruction of the *Allegewi*, is probably entitled to similar credit. The derivation of the present name of the Allegany river from that word may be correct. Our information does not enable us to form an opinion upon this point. But it adds little to the probability of the story, which it is introduced to support, if it be as erroneous as the derivation of the word *Mississippi*. Mr Heckewelder derives this from *Namæs*, a fish, and *Sipu*, river. A most unfortunate appellation for the Mississippi, unless it is intended to denote, that very few fish are found in it. The fact is, the name is derived from two Chippewa words, *Meesee*, great, and *Seepee*, river. This word *Meesee*, or *Meechee*, for it is differently pronounced in different places, is found in Michigan, Michilimackinac, Missouri, Mississaugau, and in many other names.

The ancient fortifications, scattered through the United States, and attributed by Mr Heckewelder to these Allegewi, have been the fruitful source of abundant speculation. We have no doubt, that they were erected by the forefathers of the present Indians, as places of refuge against the incursions of their enemies, and of security for their women and children, when they were compelled to leave them for the duties of the chase.\* And much of the mystery, in which this subject has been involved, owes its origin to a want of due consideration of the circumstances and condition of the Indians. We do not reflect on their almost infinite division into petty tribes, and on their hereditary and exterminating hostilities. Nor have we reflected, that the stone tomahawk is a very inefficient instrument for cutting timber into palisades; nor that, if fire be adopted as a substitute, the process is tedious and laborious. Their transportation, too, must have been a serious objection to their use, and in a few years they required renewal. Even when otherwise proper, they were always liable to be burned by the enemy. These circum-

\* Wherever the human race is placed, similar circumstances lead to similar customs. Dr Clarke remarks, that, 'a peculiar circumstance characterised the topography of ancient Greece. Every metropolis possessed its citadel and plain; the citadel as a place of refuge during war, the plain as a source of agriculture during peace.'



stances render it probable, that the erection of earthen parapets was the most economical and desirable mode, in which the Indians could provide for the security of themselves, and of those, who were most dear to them. And their migratory habits will sufficiently account for the number of these works, without resorting to the existence of a dense population, utterly irreconcilable with the habits of a people, who have not yet passed the hunter state of life. But a full consideration of this topic would carry us far beyond the limits of this article.

The history of the former power of the Delawares, and of the manner in which the sceptre departed from them, is almost too puerile for grave criticism. That an Indian tribe, while in the full career of victory, should be stopped, by a proposition from their rivals and enemies to become women, to put on a petticoat, or *matchicoaté*, the last degradation to which a warrior could submit, requires a degree of credulity greater than has fallen to our lot. This story is utterly irreconcilable with all previous accounts. The Delawares, two centuries ago, were a comparatively feeble tribe, occupying the eastern portion of Pennsylvania. They had yielded to the power of the Iroquois, the Romans of this part of the continent. These facts are stated by the Iroquois, and are corroborated by a thousand circumstances. It is not necessary to adduce the proofs here. Many of them will be found in the discourse of Governor Clinton, to which we have before referred. It will there be seen, that the powerful Iroquois confederacy had obtained a preponderating influence over all the Indians, who surrounded them, and that they carried dismay and death from the St Lawrence to the Mississippi.

Mr Heckewelder expresses his wonder, that the French historians took no notice of the Delawares. This tribe, however, is sometimes mentioned by them under the name of *Loups*, and not of *Lenape*, as he was informed by a *French gentleman*. This term, *Loups*, like the *Chat sauvage*, applied to the Shawnese, was, at first, probably a mere *sobriquet*, accidentally given, and continued, because it enabled the French to converse about the Indians, in their own presence, and without their knowledge. These names had no relation, as Mr Heckewelder supposes, to the name of any particular

tribe. In like manner, and with similar views, the Dahcotah were called Sioux; the Hochunkerah, Puans; the Wyandots, Hurons; the Menomonies, Folles Avoines; the Chippewas, Sauteurs; and all the others had similar masked appellations. But a sufficient reason for the little figure made by the Delawares, in the early histories, will be found in the total loss of their power and influence, and in the disgraceful necessity of passing *sub jugo* before their enemies. Their own account of this transaction is a nursery tale, by which a fallen people endeavor to conceal from others, and perhaps from themselves, the story of their defeat and disgrace.

We did intend to advert to other important errors, into which Mr Heckewelder has been led by his partial knowledge of the Indian tribes, and by the unbounded confidence he placed in the stories of his Delaware friends. Not certainly, on our part, in any captious temper, but merely to guard the reader against too implicit confidence in general results, when important details are thus obviously erroneous. Among these is his brief account of the Wyandots, formerly, we are inclined to believe, at the head of all the Indians, and holding the great Council Fire; and yet claiming the first seat and signature at all treaties. Of a similar nature is his account of Tecumthé,\* whom he confounds with the Prophet. They were brothers, but as different in their characters, as they have been in their fate. The conversation between Colonel Crawford and Wingenund, is, we have reason to believe, wholly apocryphal. It accords as little with our notions of Indian sentiments, as it does with the account we have received of this melancholy catastrophe from other quarters.† But we are admonished, by the task yet before us, to bring these observations to a close, and to submit to our readers a few brief remarks, on the philological discussions contained in this work.

\* The name of this celebrated chief has usually been written in this country, *Tecumseh*, but the true orthography is *Tecumthé*, as in the text, and as it is correctly written by the Canadian and English writers.

† The dialogue between Crawford and Wingenund, occupies three pages of the book. No white man was, or could be, present to hear or to record it. It contains quite a logical argument between the Indian Chief, and the victim at the stake, respecting the justice of the approaching execution. 'Had you,' says Wingenund, 'attended to the Indian principle, that as good and evil cannot dwell together in the same heart,' &c. This *Indian principle* is new to us,

Mr Heckewelder divides the languages, spoken by our Indian tribes, into four great classes, which he denominates the *Karalit*, the *Iroquois*, the *Lenape*, and the *Floridian*.<sup>\*</sup> With the first class we have no concern. It is spoken only by the Eskimaux. The others are intended to comprehend all the dialects, which are found in this part of the continent.

The great division of the French writers was into the *Huron*, the *Algonquin*, and the *Sioux* languages; and the first reflection, which strikes us, is, whether anything is gained by this new classification. Of the dialects spoken in the south, and which Mr Heckewelder denominates *Floridian*, such as the *Creek*, the *Choctaw*, *Cherokee*, and *Chickasaw*, we know too little to hazard an opinion; and far too little presumptuously to determine, whether they are primitive or derivative. Ignorance is preferable to error, and as Mr Heckewelder furnishes no authority for this branch of his general synopsis, and acknowledges (p. 113) 'that we know very little about the southern Indians,' we may safely dismiss, for some future opportunity, all considerations connected with them. They may, or they may not, be radically different from the other languages.

and it would be difficult to find it, either speculatively or practically, in any other place, than this Delaware school of ethics. Crawford asks Wingenund if their former friendship still continued; to which the latter very stoically replies, 'It would be the same, were you in your proper place and not here.'

In page 311, in another dialogue, an Indian is made to say, 'I am a kind of Chief;' and p. 313, 'How much meat would my wife have dried, how much tallow saved and sold, or exchanged for salt, flour, tea, and chocolate!' He, who can believe that such conversations actually took place, must be left to correct his opinions in the school of experience.

Tarhé, or the Crane, the late principal Chief of the Wyandots, and one of the most respectable Indians whom we ever knew, has more than once related to us all the incidents attending the death of Colonel Crawford. Wingenund and the Delawares, in the circumstances preceding that transaction, did not occupy the stations assigned them in Mr Heckewelder's history. The Wyandots fought the battle and gained the victory. They, however, relinquished the murder of Crawford to the Delawares, because the latter were importunate in their demands for his surrender to them.

Tarhé, or the Crane, is the Chief, who is stated by Mr Heckewelder to have murdered Leather Lips, in obedience to the orders of the Prophet. No order was ever issued by the Prophet to Tarhé. The rank, character, and authority of the Wyandot Chief forbade such an interposition, and his feelings and principles would have prevented his interference, had the attempt been made to influence him. Leather Lips was killed during the delusion, which prevailed among the Indians, after their general convocation at Greenville, to hear the doctrines of the Prophet.

<sup>\*</sup> See Heckewelder's Historical Account, Chap. IX.

The Huron, or as Mr Heckewelder terms it, the Iroquois, is certainly one of the original languages spoken by the Indians of the United States. It is confined to the Wyandots, the Iroquois, and their kindred tribes. The attempt to reduce the Sioux language, under the same general head, could have originated only in the very defective materials, which Mr Heckewelder possessed. The languages comprehended in that class, and spoken by the Sioux, the Winebagoes, the Joways, the Ottos, the Missouries, are radically different from the Huron. And what reason is given, for this dismissal of one of the general divisions of the received classification, and for ranging the Hurons and Sioux as branches of the same family? No vocabulary is inserted or referred to; nothing but the *sic volo* to satisfy the inquirer. In page 390, indeed, the facts are given by Mr Heckewelder, in support of this hypothesis, and most strange they are. It is there suggested, that the Naudowessies or Sioux, and the Hurons or Wyandots, are the same people, because there are three rivers, which we call Huron, and which the Chippewas call Naduwewi, or Naudowessie Sipi, in the vicinity of Detroit.

Nautowa is the Chippewa name for the Wyandots, and Assigona for the Iroquois. In the plural *Nautowake* and *Assigonake*. Their true name for the Sioux is *Bwoinuk*; but Naudowessie is the Chippewa word for *enemy*, and as the Sioux have for generations carried on war against them, this appellation is sometimes emphatically given to them by the Chippewas. The name of the rivers referred to by Mr Heckewelder is Nautowa Sepe, or *River of the Wyandots*, and probably took its rise from some local occurrence connected with them. The Sioux and the Wyandots, as we can testify from our own observation, are different from each other in appearance, local residence, many important traits of character and manners, languages, and in everything, which, in the present state of our knowledge, constitutes Indian national identity.

Mr Duponceau's opinion of the harmony and music of the Wyandot language struck us as remarkable. Of all the languages spoken by man, since the confusion of tongues at the tower of Babel, it least deserves this character. It is harsh, guttural, and undistinguishable; filled with intonations, that seem to start from the speaker with great pain and effort. It

is a well known fact, that no man ever became master of it, after he had arrived at years of maturity ; and its acquisition is universally considered upon the frontier as a hopeless task. We cannot but suspect our friends, ‘Armstrong and Walker,’ of *playing old soldiers*, and giving a mellifluous twang to their speech, to which it had no legitimate pretensions.

Mr Duponceau displays much philological acuteness, and an entire knowledge of the principles of universal grammar ; and he deserves great credit for the ardor, with which he has devoted himself to these tedious and laborious investigations, many of which are ably and successfully conducted. But he is evidently much given to classification ; he began these inquiries apparently with a strong predisposition for admiration, and with high expectations, that new and important principles would be developed. ‘What,’ says he, ‘would Tibullus or Sappho have given, to have had at their command a word at once so tender and so expressive !’ And what is the word, which has such power to kindle his enthusiasm ? It is one, which, in its true orthography, if it sounds to the Muses as it does to our dull ears, would put to flight every poetical effusion ; *Wulamalessohalian*, ‘Thou who makest me happy.’ The word should be written and pronounced, *Walemulsoohaulein*, or *Walemulsoo hauleun*, for we are strongly inclined to think, that liberties have been taken in these combinations, not wholly justified by the Delaware language. The infinitive of the verb is said, by Mr Duponceau, as quoted from Zeisberger, to be *Wulamalessohen*, ‘to make happy.’ Hence,

Wulamalessohalid,	He who makes me happy.
Wulamalessohalquon,	He who makes thee happy.
Wulamalessohalat,	He who makes him happy.
Wulamalessohalian,	Thou who makest me happy.

As the only variations, by which the pronouns are expressed in these cases, are *alid*, *alquon*, *alat*, *alian*, these must respectively mean, ‘he who me,’ ‘he who thee,’ ‘he who him,’ ‘thou who me.’ There are no pronominal affixes, nor do either of these syllables indicate the separable, or inseparable pronominal suffixes. There is no word for *who*, in the whole range of the Indian languages, as far as we are acquainted with them, and there is certainly none in the Delaware. Into whatever elements these terminations may be resolved, the meaning, rendered necessary by the subjoined

translations, cannot be given to them. There is, through the whole book, such a want of precision in the translations, and such a confusion of Delaware and Munsee words, as render the deductions very unsatisfactory.

Mr Heckewelder's reply to Mr Duponceau's inquiries, respecting some analagous word in the Delaware, to the word *morituri* in Latin, affords another illustration in point. He seems unwilling, that any syntactical forms should be found, which do not exist in the Delaware, and produces examples *pari passu*. Not certainly with the slightest disposition to misrepresent, but because the subject was not very familiar to him, and because slight analogies are easily traced between languages, the most remote in their principles. Mr Heckewelder says, (p. 423,) that there is a Delaware word, *Elumi-angellatschik*, which means, 'those who are on the point of dying, or who are about to die.' The word meant to be written here, is Alumeengelutcheek, but it has been evidently formed to meet the case, and formed upon erroneous principles. *Alemee* is an adverb, and means *about*. Mr Heckewelder calls it *Elumi*, and says it is derived from the verb *N'dallemi*, which means, 'I am going about (something.)' *N'dallemi Wickheen*, 'I am going to build.' There is no such verb in the Delaware language as *dallemi*. The *N'* is the pronominal sign of *Nee*, *I*. The *d* is inserted in all cases after this sign, where the next word begins with a vowel. *Alemee* is the adverb, which generally, in the arrangement of Indian sentences, precedes the verb. *Ungelukeek* is from *Ungel*, to die, with the pronominal sign suffixed, *ukeek*, or *keek*, they, which we believe is confined in this form to neuter verbs, and retains or drops the *u*, as euphony may require. *Tsh*, which indicates the future, is not used in this combination. The word *Alemee* sufficiently indicates, that the time is about to commence. The word, therefore, intended to be formed by Mr Heckewelder, should be written *Alemee ungelukeek*, and, literally translated, means, 'about they die.' So much for analogy.

There is, in all our Indian languages, a strong tendency to combination. We believe they were originally monosyllabic in their formation, and extremely limited in their application. Even now at least one fourth part of the Chippewa words are monosyllables. As the poverty of these languages be-

came apparent, and necessity required the introduction of new terms, they were formed by the combination of words already existing. It is not easy to define the limits of this principle, nor to analyse the rules of its application. Some letters are omitted, and the changes are frequently so great, as to render it difficult to reduce the word to its original elements. Mr Heckewelder has given many examples of this process, but too often with the negligence, which characterises his work. Mr Duponceau exclaims in a quotation from Göethe, 'O how a nation is to be envied, that can express such delicate shades of thought in one single word.' Here follow other examples.

Machelemuxowagan,	Honor, the being honored.
Gettemagelemuxowagan,	The receiving favor, mercy, tenderness.
Mamschalgussiwagan,	The being held in remembrance.
Amangachgenimgussowagan,	The being raised or elevated by praise.
Mamamchtschimgussowagan,	The being insulted.

Pronounce these who can. We eschew the task. It is idle to talk of such words. Every language may have as many, as the most ecstatic philologist could require. It is only to combine the words together, and when the combination ceases, there is an end to the compound word, and not before. But little would be gained for the ear, or the mind, by such a process.

In page 368, we have,

Wuskilenno,	A young man,
Kigeyilenno,	An aged man,
Gichtochqueu,	An aged woman.

Wooskee is *young*, and Lunno is *man*, and the word given as a combination by Mr Heckewelder is pronounced *Wooskee lunno*, and is as much two words, as young man in the English language. 'Kigeyilenno' should be written *Khiki*, old, *Lunno*, man. 'Gichtochqueu' should be *Khiki*, old, *Ohkwaa*, (not Ochqueu,) woman. The unsettled orthography adopted in this work conveys to the reader very imperfect notions of the sounds of the words.

In the translation of works from one language to another, it is commonly the object of the translator to preserve the spirit

of his author, and to avoid the introduction of foreign idioms. But in inquiries into the comparative principles of different languages, words should be literally rendered; and this precision can alone give value to these investigations. Mr Heckewelder has violated this rule, and to such a degree as greatly to impair the utility of his work.

In page 422, *Eliwulek* is said to be, 'He who is above everything.' The expression should be *Aloo Woolituk*, from *Aloowee*, more, and *Woolit*, good. The *uk* is the mark of the superlative degree; so that *Aloo woolituk* is 'most good.' *Eluwantowit* is translated, 'God above all.' The word should be *Aloo wontoowit*, and is formed from *Aloowee*, more, and *Katunatoowit*, a compound, of whose elements we are ignorant, but which means God; so that *Aloo wontoowit* is, 'more God.'

*Eluwiahoolgussit* is translated, 'The beloved of all things,' (p. 423.) It should be *Aloowee ahoalkooseet*, 'more he is loved.' *Eluwitschanessik* is said to be, 'the strongest of all.' It should be *Aloowee tsharnesseek*, 'more he is strong.' *Eluwischiechsit*, 'the supremely good,' should be *Aloowee sheekseet*, 'most he is good.'

Again, (p. 454,) it is said, that *N'dellemuske* means, 'I am going away.' This word is formed from the pronominal sign *N'*, *I*, the adverb *Alemee*, about, and *bumskau*, go, and should be rendered, 'I about go.' So *Ickalli aal* is said to be, 'away with you.' *Ikarle* means there, and *awl* is a verb, which means to go or come, properly, *to move*, and this expression should be translated, 'there move.'

In page 458, *N'dapi aman*, is rendered, 'I come from fishing with a hook and line.' *Aman* on the same page is rendered a fish hook. So that the word *Aman*, must mean fishing with a hook and line, and a fish hook. But this incongruity is to be found, not in the Delaware language, but in Mr Heckewelder's book, and results from the unjustifiable liberties taken with the translation. *N'dapi* does not mean, 'to come from.' That idea implying locomotion is conveyed by the word *Noom*, I come. *N'dapi* implies the termination of a recent act; and *Aman* is simply a fish hook. The words cannot with any propriety be used together. *Naumase* is a fish, and the participial form of that word should have



been used here, as it is upon the same page, where he says, 'I am come from taking fish with a spear,' *N'dapi notamæsi*.

In the next page several examples are given of the use of the addition *ink*.

Gauwáhenink,	At the place of fallen timbers.
Pachséyink,	In the valley.
Gámink,	On the other side of the river.

The *ink* in these instances is translated *at*, *in*, and *on*. It is neither of these, but is a mere sign of locality. A Delaware cannot express that operation of the verb upon the object, which is indicated in many of the ancient languages, by inflections, or cases, and in the modern, by prepositions. He cannot discriminate between, *in* the house, and *out* of the house, and *over* the house, and *under* the house. This strange poverty in languages, abounding with many useless variations, is supplied by gesticulation only; and no man has ever seen an Indian in conversation, without being sensible, that the head, and the hands, and the body, are all put in requisition to aid the tongue in the performance of its appropriate duty.

In our Indian languages, we have almost everything yet to learn. Till within a few years, our whole stock of information comprised only a few meagre vocabularies, collected here and there, and written with such an unsettled orthography, as to render them almost useless. Recently the subject has excited greater attention, and several grammars, with more or less merit, have been published. We trust these inquiries will be pursued, and at all events, that this almost only enduring memorial of Indian existence, will not be suffered to pass away unheeded and forgotten.

The range of thought of our Indian neighbors is extremely limited. Of abstract ideas they are almost wholly destitute. They have no sciences, and their religious notions are confused and circumscribed. They have but little property, less law, and no public offences. They soon forget the past, improvidently disregard the future, and waste their thoughts, when they do think, upon the present. The character of all original languages must depend, more or less, upon the wants, means, and occupations, mental and physical, of the people who speak them, and we ought not to expect to find the complicated refinements of polished tongues, among those of our Indians. He, who sits down to these investigations with such

an expectation, will certainly rise from his task disappointed. It would lead us too far to give even a brief analysis of any of these languages, or to enumerate those particulars, in which they are most deficient, and which render them, in all the business of life, indeterminate in their application.

It is, however, not a little singular, that some complicated forms and strange redundancies should be found, of which it is difficult to trace the origin, or to assign the object. Among these are the combinations, by which the pronouns, actor and subject, are associated with the verb. One is prefixed, and the other suffixed; and the latter is generally inseparable in its form. The active verbs cannot be used without this personal association. An Indian cannot say, 'I love,' 'I hate,' 'I fear,' abstracted from the operation of the verb upon the object. He must say, 'friend I love him;' 'enemy I hate him;' 'bear I fear him.'

It is stated in the work under notice, (p. 378,) that *N'dahoala* means 'I love,' and it is placed in the present tense of the indicative mood. On the same page, and in the first personal form, *N'dahoala* is said to be, 'I love him or her.' Such is the spirit of accommodation in which examples are furnished! The latter, however, is the true meaning of the word, and no Indian, we have reason to believe, certainly no Delaware, can express the former idea.

These combinations give to the Delaware verbs what has been called, 'the richness of their grammatical forms.' But they are certainly useless appendages, adding no precision to the language, condensing its phraseology but little, and perplexing it with an almost infinite variety of combinations. How came they here, associated with syntactical forms in other respects simple and inartificial, and useless to the people by whom they are spoken? Are they the wrecks of more polished tongues, acquired in far different circumstances, and almost lost in the lapse of ages?

In some of these languages, the adjectives are subjected to variations depending not on the gender nor degree, but on the nature of the objects to which they are applied. Among the Delawares, things which have life, whether animal or vegetable, are qualified by adjectives, different from those which are applied to inanimate objects.

## Good.

Animate.  
Woolussoo.  
Good man.  
Woolussoo Lunno.

Inanimate.  
Woolit.  
Good gun.  
Woolit Piyaughkeekun.

## Bad.

Mohtutsoo.  
Bad dog.  
Mohtutsoo M'wikona.

Mohtut.  
Bad canoe.  
Mohtut Umoghool.

In the Chippewa language, this rule is more limited in its application. It is restricted to objects with animal life, and to these it is applied only while alive.

Animate.		Inanimate.
Ugausau,	<i>little,</i>	Pungee.
Sugausau,	<i>fine,</i>	Besau.
Nohun,	<i>soft,</i>	Pekokeet.
Mindido,	<i>great,</i>	Mitchee, or Meesee.

The principle, in both, extends to verbs. The Delawares say,

Apple bring.  
Aupelish naul.

Water bring.  
M'bee nauten.

The Chippewas say,

Animate.		Inanimate.
Peesh,	<i>bring,</i>	Peedoon.
Waubemau,	<i>see,</i>	Waubendon.

The Delawares have yet another division of adjectives, applicable to solids or to fluids.

Liquids.		Solids.
Tungitee,	<i>little,</i>	Kahitee.
Little milk.		Little bread.
Tungitee Noonaukun.		Kahitee Auhpone.

In many of these languages, there is a singular contrivance to indicate the death of a person, without an explicit declaration of the fact. It is considered a delicate allusion to the subject, like the Roman *vixit*, which was used by that people for the same purpose. And strange indeed is it, that this affectation of delicacy should be found among two nations in opposite hemispheres, one of whom could view with pleasure the revolting spectacles in their gladiatorial arenas, and the other could commit atrocities, which make the blood run cold,

while they are related. Neither of them could talk of death, but both could behold it in its most horrid forms.

The addition of *au* in the Delaware, or of *bun* in the Chippewa, to any proper name, indicates with certainty, that the person mentioned is dead. Tecumthé *au*, Pontiac *obun*, (the *o* is inserted to aid the sound,) could not be misunderstood by an Indian. He would instantly perceive, that his once celebrated countrymen were dead. The syllables have no relation, however, to death. We are ignorant of the root of the Delaware suffix. The Chippewa *bun* is the invariable mark of the past tense, and is probably derived from *Jaube*, being.

And here it may not be uninteresting to correct an error, into which many of our philologists have fallen, that the verb to be, *sum*, is not found in any of our Indian languages. In the Miami it is in constant use, and there can be no mistake in its application.

I am.  
Eshinekosearn.

He is.  
Eshinekosit.

In the Sioux it is,

Here I am.  
Daang mangka.

Mountain is yonder.  
Kharkhar ka karkeear.

Mr Heckewelder is incorrect, in the answer he has given to the inquiry of Mr Duponceau, respecting the existence of words in the Indian languages, confined in their use to the different sexes. These sexual words are found in almost all the languages, and it would be considered highly indelicate for either sex to use the words appropriated to the other.

The following words, in the different languages, are limited in their use by this principle.

Masculine.

Feminine.

IN THE CHIPPEWA.

Needjee.  
Tyau.

*My friend.*  
*Exclamation of surprise.*

Neendongwa.  
N'yau.

SIoux.

Metsheengya.  
Metungha.  
Metungshe.  
Metarkarshe.

*My elder brother.*  
*My elder sister.*  
*My younger sister.*  
*My cousin.*

Metemendo.  
Meetshong.  
Metunghar.  
Metshashe.

Masculine.		Feminine.
	KICKAPOO.	
Neekarnar.	<i>My friend.</i>	Squa.
	SAC AND FOX.	
Neekaulau.	<i>My friend, (when absent,)</i>	Squa.
Neekaul.	<i>My friend, (when present,)</i>	Neekaul.
	OTTAWA.	
Neetshee.	<i>My friend.</i>	Ndongwa.
	POTAWATAMIE.	
Neekarn.	<i>My friend.</i>	Kwatshee.
	WYANDOT.	
N'yuteroo.	<i>My friend.</i>	Nyatzec.
W'hoo.	<i>Exclamation of surprise.</i>	Nuya.
	SHAWNESE.	
Neekarnar.	<i>My friend.</i>	Neeleemwa.
Alalewee.	<i>Expression of surprise.</i>	Waupoinee.
Aumala.	<i>Expression of contempt.</i>	Ashekartshee.

It will be observed, that in these remarks, we have confined ourselves principally to the Delaware language ; because our examination of Mr Heckewelder's work necessarily restricted the range of our inquiry. Nor have we any intention to detain our readers by a general investigation of Indian languages.\*

We have already expressed our doubts, as to the classification adopted in that work ; nor are we better satisfied with the synoptical view of the American languages, given by Adelung in his 'Survey of all the known Languages and their Dialects.' This work, and its predecessor, the *Mithridates*, to which Mr Duponceau acknowledges his obligations, are monuments of the zeal, industry, and erudition of their authors. But it is to be regretted, that the defective state of their materials has led them into so many errors, in their investigations of the languages of the North American Indians. It is impossible, from any vocabularies now existing, to arrange these languages into their respective families, separating the primitive stocks from one another, and connecting the affiliated dialects, without a personal and intimate knowledge of the various tribes. Their names have been so multiplied, by the ignorance and carelessness of travellers,

\* An analysis of Mr Heckewelder's work will be found in the North American Review, No. xxiv, for June, 1819.

that great caution is necessary in their application, lest exaggerated estimates be formed of the number of these communities.

The general geographical divisions, into which the tribes are separated, in the 'Survey' of Adelung, evince an ignorance of the features of the country, and of the situation of the Indians. The southern tribes, the Creeks, Choctaws, and others, are arranged with the Iroquois; while the North-western Indians are connected with those of the Eastern and middle Atlantic coast; the general divisions thus crossing each other.

But the most important errors are found in the names of the tribes, and in the affinities of their dialects. The author has apparently proceeded, with the narrative of every traveller through the Indian country in his hand, and recorded the names as he found them; adjusting their connexion by their residence, by meagre vocabularies, or by the slight notices given of them. The same tribe, by these means, has different names and different associations; and a distinct appellation and peculiar dialect are given to every little local band. It is easy to conceive, that by this process, the number of the American languages may be swelled to '*twelve hundred and fourteen,*' and, in fact, to any other which the pride of discovery may require.\*

In the principal division (D,) subdivision (a,) and minor subdivision (4,) the Twightwees, or Miamies, are placed at the head of a family, which is divided into Ouyatonons and Illinois.

But the Miamies and Ouyatonons, properly Weweatanon, and now called Weas, are bands of the same tribe, without any perceptible difference in their dialects. The Illinois tribes are not now, nor were they ever, branches of the Miami family. There is reason to think, that at a remote period, the Miamies were nearly connected with some of these tribes. But it is difficult to ascertain with precision, who were included in the general designation of Illinois Indians. The name was given them at an early day, but it was rather descriptive of the country, which they occupied,

\* For that part of Adelung's *Survey*, relating to the American languages, and referred to in the present remarks, see *North American Review*, for January, 1822. Vol. xiv. p. 135.

than of any natural association or political confederacy among its inhabitants. The Illinois tribes were stated by Charlevoix to be the Moingonas, the Peorias, the Tamarorias, the Coaquias, and the Kaskaskias. But Bossu considers the Peorias, as allies only of the Illinois. Adelung includes in the Illinois family the 'Kaskaskias, the Cahokias, the Piorias, the Kasquias,' (but another name for the Kaskaskias) 'the Mitchigamies, the Piankashaws, the Kikapoos, the Poteouatamies, Pottawatameh, or Pattawottomi, the Outaouas, and the Chaûnis.'

Now the Kikapoos, written Kickapoos, and the Chaûnis, written Shawanos, Sawanno, Shawnee, an identity of which the author appears wholly ignorant, had already formed his second and third subdivisions, and preceded the Miamies in this general division. But they are here classed as tribes of one of the families of that nation.

The most unpardonable negligence alone could arrange the Kickapoos, the Potawatamies, the Ottawas, and the Shawnese, as members of the Illinois confederacy. Their separate existence, as independent communities, is coeval with our earliest knowledge of the Indians, and they are all well known and important tribes. And what is still worse, the Potawatamies, written Pouëtoüatami, are, (in division D. c. 1. *δ*. ee,) placed as a branch of the Algonquin family. The Ouyatanons, already classed with the Miamies, are reintroduced under the name Ojatinon, (*ff*) as a separate tribe. And the Miamies themselves again make their appearance, under the name Oumami (*a a*) in a very subordinate situation.

In the subdivision, to which we have last alluded, the Outagamies, (*c c*) the Malomimis, (*d d*) and the Sakis, (*g g*) are classed with the others as affiliated tribes. But they had been before arranged, in the preceding general division, (*B. c.*) with slight orthographical variations. They are there called Sakies, or Saukis, Ottogamies, and Menomenes, or Folle Avoine.

This association is, in any analysis of the Indian languages, erroneous. The language of the Menomonies cannot be understood by the Sacs and Foxes, (Saukies and Ottogamies.) Whether the former speak an Algonquin dialect, or a primitive language, is a question not yet settled. But the fact is

certain, that in their intercourse with one another, they are not understood by the adjacent tribes.

In the general division (D. c. 2.  $\epsilon$ .) the Ottawas, whom we have already seen enumerated as one of the Illinois tribes, under the name Outaonas, are again introduced in the same relation to the Chippewas. The word is here written Ot-toways, Ottawas, and Wtáwas. This last is the orthography of Mr Heckewelder, and we confess our inability to pronounce it.

The Erigas, or Eries, and the Makontens, properly Mas-contens, are enumerated as existing tribes; but they have disappeared for ages, and of the Eries little was ever known, except from the relations of the other Indians.

The Osages and the Pawnees, whose languages are radically different, are classed together; and the Jowas, Ottoes, Missouries, and Winebagoes, are detached from the Sioux, with whom they are closely connected by dialect, and attached to the Osages.

The Stone Indians, (Assiniboins,) are arranged in one place with the Chippewas, and in another with the Sioux; and the Crees are enumerated as a branch of the Chippewa family, (D. c. 2.  $\beta$ .) and immediately afterwards, (D. c. 3.) under the names Knistenaux, Chinisteneaux, Christeneaux, Clisteno, they form an independent division, composed of four branches.

The Nanticokes, (C. e. 8.) a well known tribe of the Delaware stock, are assigned to the Iroquois, and constitute the eighth member of that family, which occupies a prominent station in division C. But, (in D. c. 1.  $\epsilon$ .) four tribes of the Iroquois confederacy, with their orthography slightly changed, are once more introduced; and, strange to tell, as speaking Algonquin dialects.

We have not time to analyse the arrangement of the Sioux family. Those, who are at all acquainted with the subject, will perceive what little confidence is to be placed in this classification, when they learn, that the Mahas are a tribe of the 'Naudowessies of the Plain,' that the Shians and Shianes, (both being the Cheyennes,) constitute the fifth and sixth divisions, and that the Tetongs and Sussitongs, two of the great families of the Sioux, appear as subordinate branches of the Yankton band.



These are but a part of the errors, which our limited personal knowledge of the different tribes, has enabled us to detect in the Survey of Adelung. But they satisfactorily prove, that with our present materials, we should confine our exertions to the collecting of facts, and not bewilder ourselves in attempts to discover new dialects, or to class those already known.

In the present state of our knowledge, the Wyandot, and its cognate dialects, appear to form a class of primitive languages; the Algonquin or Chippewa, another; the southern languages, a third; the Sioux, a fourth; and the Pawnee, and kindred tribes of that family, a fifth. But we speak with much doubt, and are in fact not unwilling to hazard the conjecture, that future and more extensive inquiries may possibly prove, that all these languages are affiliated, and descended from a common stock. We are certainly destitute at present of any etymological proofs of this fact, but when vocabularies are formed upon a common plan, and their orthographical principles invariably established, and when the effect produced by habits of enunciation more or less guttural, by the frequent use of certain letters and the rejection of others, by the difference of accentuation in strength and in position, by the slowness or rapidity of utterance, and by other causes, shall be fully understood and appreciated, we shall not be surprised, if affinities are discovered in all our Indian languages, for which we have not yet been prepared.

In stature, color, form of the face, high cheek bones, hazel eye, dark hair, thinness of the beard, and in their prevailing personal appearance, there is a strong resemblance among all the Indians; varied, no doubt, by certain physiognomical characteristics among different tribes, more easily perceived than described. In manners, customs, habits, opinions, traditions, religious notions, systems of education, and in their own appellations for one another, they are essentially the same people. The forms of their languages are almost identical. The same principles of regimen and concord, the same arrangement of words in sentences, the same polysyllabic combinations, and in fact every essential rule, whether anomalous or general, whether it agrees with the transatlantic languages, or differs from them, are common to all these, as far as we have been able to examine them. The deductions

from these facts we relinquish to others, contenting ourselves with the conjecture already advanced.

The Wyandots, and the various tribes of the Six Nations, speak dialects having a general affinity; but they require interpreters in their intercourse with one another. The Chippewa, or Algonquin language, is spoken by the Chippewas, Ottawas, Potawatamies, Sacs and Foxes, Shawnese, Kickapoos, Menomonies, Miamies, and Delawares; and these dialects approximate one another in the order of arrangement, the Chippewa being the standard dialect, and the Delaware the most remote. For the three first, no interpreter is required; for the three next, one is convenient, but not necessary; and the three last are too imperfectly understood by any of the others, to enable them to converse without assistance.

There is no doubt that, at the era of the discovery, a knowledge of the Chippewa, or Algonquin tongue, for they are the same, would have enabled a traveller to communicate with all the Indians, except the Wyandots and their kindred tribes, from the Penobscot to the Chesapeake, and from the Ocean to Lake Superior.

The Trans-Mississippi languages are divided into two great families. At the head of one we may place the Sioux, and of the other the Pawnee. The Sioux language is to the nations west of the Mississippi, what the Chippewa is to those east of it. That river is the boundary between these great families; for the Winebagoes, who live upon the Fox, Ouisconsin, and Rock Rivers, are evidently intruders there. Their hereditary country was in the south west. Perhaps some branches of the Illinois family lived at a remote period upon the Des Moines. But the exceptions to the general statement are too few, to require a specific enumeration. Interpreters are convenient, and in some of these dialects are necessary, for any communication; but we believe unerring traces of the Sioux language will be found in all the dialects, except those of the Pawnee family, extending from the Mississippi to the Indians, who roam through the country at the heads of the Missouri and Arkansas, and occupy the passes of the Rocky Mountains.

If the Sioux be assumed as the parent language, then the affinities of the dialects of that family will be exhibited in the following tabular form.

Arkansas or Quapaws.  
Osages.  
Kansas.  
Mahas.  
Poncas.

} These dialects are nearly similar, and the tribes, who use them, can understand one another without an interpreter.

Jowas.  
Ottoes.  
Missouries.  
Winebagoes.

} These dialects approach the standard language more nearly, than those in the preceding paragraph. But interpreters are necessary, both between themselves, and between them and the Sioux, for a distinct understanding of any subject.

The root of the word which signifies *fire*, among all these tribes, is *p'haajee*.

No affinities are known to exist between the languages of this family, and those spoken by the Pawnees and Arickaras. The two latter are nearly the same, and constitute, in the present state of our knowledge, a class of primitive languages. Their word for fire is *lactetoo*.

To shew the idioms of three of these great parent stocks, we subjoin translations of four sentences into the Chippewa, Wyandot, and Sioux languages, and retranlations into English. They are rendered as literally, as their respective idioms will permit. Full confidence may be placed in the Chippewa specimens. The others are the result of much labor, but under less favorable circumstances.

#### CHIPPEWA.

1. *I wish to go with you and catch his horse.*

Appadush	I wish
weejewinaum	to go with you
tshee*	to
minjeminemung	take (v. a.)
opabaazhigogauzhemun	his beast with solid hoofs ; (o, here denotes the possessive case.)

2. *We conquered our country by our bravery, and we will defend it with our strength.*

Kesoangedaäwininaum†	Our bravery,
kau oonjee	by that
bukenaugayung	we conquered
ketukeminaun,	our country, (or land,)
Keegootaumagozewininaum	our storm-like strength
dush giea oonjee	by that also,
minjeeminuhmung	we shall keep it.

\* The Chippewa particles *tshee* and *ka*, when used before verbs, give precision to them.

† The noun throughout this sentence precedes the verb.

3. Give me some venison to put in his kettle.

Meeshishin*	Give me
addik	deer ; (Addik is the name for Reindeer,)
weeos	flesh
ka	to
podaukwawug	put in
odaukeekoong.	his kettle ; (o, indicates possession.)

4. Mr. Heckewelder's book contains many errors.

Mukudawukooniat†	Black dress
onuzeniegun	his book, (or paper,)
gishee na neebewoh	in many places has plenty
keewoneinoomugud	errors, (or mistakes,) in it.

WYANDOT.

	1.
Ndee	I
yaaghre	wish
sheeharyate	go
ateewaherkyee	with you
ahateezheendaöo	catch him
hoosenear†	his slave
yoosheta.	beast that carries upon his back.
	2.
Auwautendengendee	We conquered
aunyoomitsarmee	our land
n'dia	by that
newotsarndeetar ;	our bravery ;
aunyoomitsar	our land
nostart	keep it
n'dia	by that
nemauwishromee	our strength.
	3.
N'dee	Me
tonoont	give
skinootoo	deer
wautsau	flesh
toosontrook	put in
hoonaöar	his kettle. (ar indicates possession.)

\* In this sentence, the Indian, unlike No. 2, is constructed as an English sentence, the verb preceding the noun.

† The Chippewas substitute descriptive terms for English proper names.

‡ The Wyandots always prefix this word to the names of domestic animals in a state of servitude.

Honyoomauauk  
 hoczhutooshumar  
 ooreewauroonyoo  
 yarndeeyootherunt

4.  
 White man  
 his book  
 many places  
 mistakes.

SIoux.

Toakeen  
 oa  
 nee  
 atshar  
 kar  
 tau  
 shoongktunkar  
 ongee  
 uzarpeekta

1.  
 I wish  
 with  
 you  
 go out  
 and  
 his  
 horse  
 we  
 will take.

Ongeetau  
 markotesheepee  
 wondeetargear  
 ongee  
 oeyumpeetsher  
 warshargear  
 ongee  
 hn' doneetsharpeekta

2.  
 Our  
 lands  
 bravely  
 we  
 have conquered,  
 strongly  
 we  
 will maintain.

Tarkhinjar  
 tshonetshar  
 mar  
 koo  
 tau  
 tshaaghar  
 ane  
 orärhnarnkaakta

3.  
 Deer  
 flesh  
 me  
 give  
 his  
 kettle  
 into  
 I will put.

Tar  
 washeetshoo  
 tau  
 woärpee  
 eetsheenshnee  
 otar

4.  
 The  
 white man  
 his  
 book  
 errors, (or mistakes,)  
 much.

We subjoin two more Chippewa specimens.

1. *Why do you not behave better and sit still?*  
 Auneeshween nuh?      Why not, (includes pronoun,)  
 neebwaukausewun      possess sense, (noun, verb, & pro.)

pisaun	still
tshee	to
nemudubeyun	sit. (v. a. includes the pronoun, and in present tense.)

The sense of the English is rendered into Indian with force and sufficient precision. But the analytical mode adopted gives the *retranslation* a stiff and faulty aspect.

2. *I do not think there is any such thing as virtue.*

Kauween	} Not do I	(negative mode of assertion, very common.)
neen		
nindenaindum	think	
kago	anything	
iauseenoan*	exists like	
minno	good	
izheewaubizeewin	life.	(Noun indicated by <i>win</i> .)

Our personal knowledge of the southern languages is confined to the Cherokee, and we shall not, therefore, hazard any conjectures respecting them. We are inclined to believe, however, that they have a general family resemblance; but whether any connexion exists between them, and the other great families, we are ignorant. We found in the Cherokee the same general principles of formation, which distinguish the others.

Whoever makes the experiment will discover, that much stronger analogies exist between dialects of our Indians, as they have been written, than as they are spoken. Languages, which appear almost identical upon paper, are yet in conversation understood with great difficulty. The causes of this difference have been already stated, but their operation must be felt before they can be fully appreciated.

It is easy to conceive, that roving bands of savages in the hunter state, may separate for very trivial causes, and that dialects may soon be formed, which will gradually recede from one another, until all etymological traces of their common origin can with difficulty be discerned. Languages, which are not fixed by letters, must be liable to perpetual fluctuations; and as the intercourse between different tribes is diminished by mutual hostilities, or by distance, their dialects will rapidly recede from one another. In this manner, many dialects, and possibly all, have been formed.

\* This is one of those verbal Indian forms, which admit some latitude in the translation.

The Foxes have a traditionary legend upon this subject, which we are tempted to give, because it happily explains their opinion of the mode, in which these separations of natural and political connexion, and consequently of languages, have been brought about.

Many years since, say they, two bands of our people were living near each other. The Chief of one of these bands wanted some Indian tobacco,\* and sent one of his young men to the Chief of the other band, to procure some. The latter, being a little offended with his relation, told the young man, he would send no tobacco, and that he had long tusks, intimating he was disposed to quarrel. The young man replied, that the tobacco was wanted for a feast. The Chief then took up a pair of *Apukwine*, (large bone needles, made of the ribs of the elk, and used in the manufacture of rush mats,) and throwing his pipe upon the ground, put these like tusks upon each side of his mouth, and said, 'My teeth are long and strong, and will bite.' The young man returned and communicated the result to his Chief, who assembled his warriors and said, 'My warriors, let us prepare to pull out these long tusks, lest they should grow sharp and bite us.' He then directed them to accompany him in an attack upon the other party, and they proceeded to form an ambuscade near their camp. As the day dawned, the Chief said, 'It is now light enough, we can see to pull out his teeth.' The attack commenced, and many were destroyed. This is the way, says the tradition, in which the great Indian family became divided. Till then they were one people.†

\* Called by the Canadians *Tabac du diable*, or *Feningue*, and by the Chipewa, *Inine Samau*, or Man tobacco. It was formerly cultivated by the Indians, and used in all their feasts and religious ceremonies.

† Much additional knowledge of the Indian languages may be expected to be gradually gained. Mr Duponceau and Mr Pickering, philologists of whom the country may be justly proud, have devoted much of their time to the subject, and are still pursuing it with ardor, to the extent of their opportunities. Mr Pickering has constructed with immense pains, a Grammar of the Cherokee, which is now in press. All attempts of this sort are of great importance in fixing grammatical forms, and establishing first principles.

In the fourth volume of the Memoirs of the American Academy of Arts and Sciences, is an essay by Mr Pickering, proposing a uniform alphabet for the Indian languages, an object of much importance in establishing such an orthography, as to ensure useful results from a comparison of different vocabularies. In the 9th vol. 2d Series of the Massachusetts Historical Collection, is published Eliot's Indian Grammar, accompanied with valuable notes and observations, by the above gentlemen. It is there stated, that this 'Grammar was presented

Mr John Dunn Hunter's book, has attracted some attention in this country and England. In the sixtyfirst number of the London Quarterly Review, is an article complimentary to the veracity and fidelity of Hunter. We were at first unable to conjecture why a work, purporting to be written by an American, was so kindly received. But it was not long before we discovered the strong claims, which it had to the favor of the Reviewers. Hunter elevates the Indian character far above its true standard, and he depresses that of the frontier settlers as far below it. He whines about the purchase of land, and the introduction of whiskey, as though these were not among the least of the evils, to which the calamities of the Indians are attributable. But these assertions may possibly account for the complacent humor of the Reviewers towards Hunter, in regard to the manner in which he has performed his task. 'We shall only remark farther,' say they, 'of Hunter's book, that in general his description of Indian manners and customs are minutely accurate.' 'There is nothing suspicious in Hunter's narrative. The style is that of a man unaccustomed to write, simple and precise, but not altogether free from vulgarisms and barbarisms.'

This whole article is an admirable specimen of the critical sagacity of the Quarterly. The writers upon all subjects speak *ex cathedra*, but in this article they display more than usual dogmatism. Some of their facts have probably been furnished by a subaltern officer, who may have travelled from Detroit to the Miami, in the campaign of 1813, on the north-western frontier; and these have been eked out by crude speculations and bitter invective. In examining the causes, which have heretofore impeded the acquisition of correct knowledge, on topics connected with the Indians, the Reviewers say, 'Until of late years, we could scarcely expect to possess any other instrument of communication with the Indian tribes than these, for educated Englishmen could be very rarely thrown into contact with them.' This is true Quarterly modesty. And so where an educated Englishman does not go, nothing can

to the public, as part of a series of tracts respecting the Indian languages, which it is the intention of the Historical Society to publish, from time to time, as circumstances shall permit.' Accordingly, in the next volume, (X) Dr Edwards's Observations on the Language of the Muhhekaneew Indians is published, together with a body of learned and copious notes by Mr Pickering. It is presumed the subject will be continued in other volumes of this work.



be known! We presume this article is the result of the observations of one of these 'educated Englishmen,' and the world will probably before long be favored with important discoveries, which it must be content to owe to the same prolific source. Feeling a deep interest in the reputation of the Quarterly, we cannot avoid suggesting to its contributors the expediency of confining themselves to their poor laws and savings' banks, and to other topics more immediately within the sphere of their own observation; and of being cautious how they discuss subjects separated from them by an extensive ocean, and interminable forests, even with the aid of an 'educated Englishman' to furnish facts which never existed.

Hunter has inserted what he calls a speech, delivered by Tecumthé to the Osages. And it is but a poor comment on the *tact* and judgment of the reading community, that this speech, and the reflections in which Hunter says he indulged on his arrival at the Pacific Ocean, have been already quoted into three respectable works, as valuable specimens of aboriginal taste and feeling.\* The speech is lauded in the Quarterly, and the circumstances stated by Hunter, respecting its delivery, furnish, in the opinion of the Reviewers, a proof of his veracity. It is thought impossible for Hunter to have known, that Tecumthé made a visit to the Southwest in 1812, unless he had acquired a knowledge of this fact from the Indians. 'Now we happen to know,' say the Reviewers, 'that Tecumthé did certainly, after the capture of Detroit by our forces, in 1812, quit our head quarters there; that, proceeding down the Mississippi, he traversed an immense extent of Indian country, and employed himself with various success in animating his brethren by his eloquence to unite against the Americans, and that he did not return to the Michigan Territory, until the following January.' *Now we happen to know*, that Tecumthé did not leave Detroit for the Mississippi country in 1812. *We happen to know*, that on the 27th of September 1811, he arrived at Vincennes, and sought an interview with General Harrison. At the discussions, which took place during this interview, he displayed the most hostile spirit, and the result being unsatisfactory to him, he descended the Wabash with a small party in a canoe. He was himself a half Creek, his father being of that tribe,

\* See the account of this speech in Hunter's Narrative, pp. 51—56.

and between them and the Shawnese a friendly intercourse had long subsisted. His object was to excite the Creeks to hostilities against the United States, and eventually to form a general Indian confederacy, under the protection of the British.

That Tecumthé himself, and the disaffected band of the Shawnese, who adhered to him, had been tampered with by the British agents, no man can doubt, who was so situated as to observe the course of events upon the frontier, or who has examined the mass of evidence, submitted by the President to Congress in his message of June 11, 1812, respecting the origin and progress of our difficulties with the Indians. Tecumthé returned from his tour in December, and remained with his party during the winter of 1811, 12. In the spring of 1812, as the note of preparation became louder and louder, he was invited to Malden. He left Fort Wayne for that place on the second of July, and arrived there about the eighth or ninth.\* He was in most of the engagements upon that frontier, during the two succeeding campaigns, and never was again further west than the Tippecanoe.

The Reviewers, with their characteristic accuracy, state, that the Indians, 'lulled into security by confidence in the supernatural powers of their prophet, and neglecting that caution, which is generally so marked a trait in the Indian character, were surprised by an American corps in the dead of the night on the banks of the Wabash, and almost annihilated. Tecumthé, with a small number of warriors, escaped the massacre; but it is probable, that the survivors were too few to preserve the separate existence of a tribe; for while he swayed the whole Indian body, Tecumthé could scarcely number a score of immediate followers of his own people.'

In this paragraph are almost as many misrepresentations as lines. *We happen to know*, and the whole American people know, that the troops under General Harrison did not attack the Indians. The army encamped in the vicinity of the Prophet's Town, under the expectation, and with assurances from the Indians, that the difficulties would be adjusted at a

\* For some days preceding his departure from Fort Wayne, he had been in conference with the agent there, on the state of affairs between the United States and Great Britain, and on the evening of the first of July he promised, that he would return to the Wabash, quietly resume his ordinary occupations, and avoid any participation in the approaching conflict.

council to be held the succeeding day. But the General had been trained in the school of experience. He was able and cautious, and his troops were brave. And to these qualities they owed their final safety. Before the dawn of day, the Indians commenced a fierce assault upon the camp, and after much slaughter were driven from the field. A nocturnal surprise of an encampment of Indians by a corps of civilised troops, every step of whose progress has been vigilantly watched, is a manœuvre to be found only in the tactics of the Quarterly; and is probably among the discoveries, for which we are indebted to the 'educated Englishman.' Tecumthé was not present at the engagement. He was then on his southern mission. It is certain he did not anticipate a battle, during his absence, and it is probable he still calculated on the system of forbearance, which had marked the conduct of the American government towards the Indians. His brother, the Prophet, had the principal direction of affairs; an influence, which he owed to his talents and his religious character, rather than to his military qualifications. Mengoatowa, a Kickapoo chief, who was killed, and Waweapakoosa, a Winnebago chief, commanded in the action, as far as any command was exercised. But where there is no combination of movement, and each individual is left to act for himself, very little authority is necessary, and very little is exerted.

The Reviewers say, that many Shawnese were killed in the action, and to this they attribute the weakness of the band, which accompanied Tecumthé, when he joined the British. Admirable historians! But one Shawnese was killed in the action.\* The loss fell on the Kickapoos, Winbagoes, and Potawatamies. *We happen to know* why Tecumthé's party was so weak, and we will communicate the cause, for the benefit of the author of the next tirade upon this subject in the Quarterly. Tecumthé was a disaffected man, and had seceded from the 'legitimate' authority of his tribe. All the chiefs, and almost all the warriors, were opposed to his plans. They saw, that these were fraught with ruin to their people, and believed them to have originated in a system of self aggrandisement. Tecumthé was a *novus homo*, not entitled

\* Paaksgée was killed; and three other Shawnese, namely, Kathooskaka, Mamatseka, and Maipokseka were wounded.

to any hereditary authority ; and he regarded with jealousy the influence of the lawful chiefs. The great body of the tribe adhered with unshaken fidelity to the cause of the United States, during the whole contest, and time has proved the wisdom of their measures. They are now living comfortably, upon a large reservation secured to them in a fertile part of Ohio ; while Tecumthé fell in a cause, in which he had no interest, and his son and brother are outcasts from their people, receiving no aid from the British government, and anxious to rejoin their connexions.\* Like all other Indians, who have placed their faith in the same trust, when their services ceased to be useful, they ceased to be regarded or rewarded.

We are the less apprehensive of leading our readers, or being ourselves led into error on this topic, or on any other connected with the history or objects of Tecumthé, as the Prophet his brother, and his son are sitting with us, while we are writing these remarks, and as they have freely disclosed to us their past history and present situation. We have been not a little amused, at the shrewd observations of the Prophet, respecting the ignorance of the Reviewers in the article, which we have caused to be explained to him.

Tecumthé has obtained a celebrity, such as has fallen to the lot of few of his countrymen. For this he was indebted, not less to adventitious circumstances, than to his own physical and mental endowments. He was a man of more enlarged views, than are often found among the Indian chiefs ; a brave warrior, and a skilful leader ; politic in his measures, and firm in his purposes. But he was jealous and ambitious, and prepared to sacrifice the happiness of his people to his own impracticable projects. His connexion with the British contributed, however, more than any other circumstance, to the celebrity he enjoyed. He was an instrument in their hands ; and it was their interest to give him an importance, true or false, by which they could wield the savage force, which they had collected. With this view he was invited, as the Quarterly states, to the British General's table, and with this view he was made the distributor of the presents, lavished upon the Indians. One of the British

\* Since the above was written, they have left Canada, and removed to the Shawnese reservation in Ohio, radically cured, if we may credit their own declarations, of their Anglo Mania.

armed vessels was named the Tecumthé, and another the Nawash. This Nawash was an Ottawa, elevated to importance by the same system, and with the same object. He has long since ceased to be useful, and now lives in utter insignificance among his tribe, upon the Miami in the Michigan Territory.\*

The Prophet, the brother of Tecumthé, was an able co-adjutor. His character has not been well understood. He is shrewd, and sagacious, and well qualified to acquire an influence over those about him. We are inclined to think, that at the commencement of his career he was a fanatic, who had 'seen visions and dreamed dreams,' and who believed the doctrines he professed and inculcated. This practical conquest of the imagination over the reason is not very rare, even in civilised life; and there is a singular feature in the system of Indian education, by which its occurrence is encouraged and promoted.† Subsequent events in life are materially affected by this process, and vivid impres-

\* *In the division of labor* among the Indians, the composition and delivery of speeches, are not often entrusted to the same person. In all important questions, the Chiefs previously assemble and prepare the speech, which is to be delivered. And here the influence of talent and authority is exerted and felt. But the public delivery of the speech is a mere act of memory on the part of the orator. The addresses, for which Tecumthé has had credit, were prepared principally by Walk-in-the-water, the Grey-eyed-man, and Isidore, three Wyandot Chiefs; and the celebrated remonstrance to Proctor, against his evacuation of the country upon the Detroit River, and in which he was told, that he appeared like a dog running off with his tail between his legs, was thus prepared in the house of Mrs Walker, a respectable half Wyandot woman, upon whose authority we state the fact. Tecumthé was not an able composer of speeches. We understand he was particularly deficient in those powers of the imagination, to which we have been indebted for the boldest flights of Indian eloquence. He was sometimes confused, and generally tedious and circumlocutory.

We have in our possession ample materials for a biographical sketch of this celebrated chief. Hereafter we may embody them in an article for our Journal.

† This remarkable institution should receive a minute examination. It is admirably contrived to render the Indians reckless of consequences, and its influence is not less powerful, than the sternest principle of fatalism. The tutelary genii guard the lives of their favorites, and the Eagle receives upon his beak the balls of their enemies.

The process commences before the age of puberty, and continues for a shorter or longer term, as the revelations are more or less propitious. The appearance of some animals foreshow a happy destiny, while others, and particularly snakes, portend misfortune. When the dreams are fortunate, the discipline is terminated; but when otherwise, it is interrupted, and after some time renewed, with the hope of a more favorable result. If, however, in this hope, they continue to be disappointed, their situation is remediless, and they must submit with fortitude to the calamities which await them.

sions are formed, which are never eradicated. This result is produced by a system of watching and fasting, rigorous, painful, and long continued. During this period, which is called the time of 'fasting,' in Chippewa, *Makatea*, many rites are practised to render the lessons impressive, and to excite the feelings to a proper degree of susceptibility. The guardian *Manitou* finally appears in a dream, assuming the shape of some animal, and is ever after during life the object of adoration. The real or imaginary qualities of this animal indicate the character, and the proper business in life of the dreamer. If it is an eagle, he must be a warrior; if a wolf, a hunter; and if a turkey buzzard, a prophet or physician.

It is probable, that the opinions of the Shawnese Prophet, in mature age, were materially affected by this hallucination, and that when he began his career, he was as much the dupe of his own feelings, as were any of his hearers. His conduct was certainly incompatible with any rational policy, that he can be supposed to have adopted; and of the immense numbers, who from time to time assembled at Greenville, and elsewhere, to hear his rhapsodies, many perished from hunger, and none attempted to aid him in any project, hostile to the United States, till long after his influence was on the wane. The Shawnese, whatever may have been their origin, were intruders upon the Northwestern Indians. They owned no portion of the country, and, consequently, were entitled to no part of the consideration paid for the cession of it. A principle of international law, which should prevent the sale of land by one tribe, without the consent of all, could not but be advantageous to those, who had no other title than sufferance to the district they occupied. This was a cardinal principle in the policy of Tecumthé, and the opportunity, furnished by the fanaticism of his brother, opened the way for more enlarged views, and eventually afforded the means, as he thought, of accomplishing them.

These prophets, as they are improperly termed, frequently make their appearance among the Indians, and acquire a wonderful ascendancy over them. They are preachers, prophets, and physicians, and they pretend to a direct communication, with all the superior and inferior deities in the Indian mythology.

But to return once more to the book in question. Mr John Dunn Hunter is one of the boldest imposters, that has appeared in the literary world, since the days of Psalmanazar. His book, however, is without the ingenuity and learning, which, like redeeming qualities, rendered the *History of Formosa* an object of rational curiosity. It is a worthless fabrication, and, in this respect, beneath the dignity of criticism; compiled, no doubt, by some professional book maker, partly from preceding accounts, and partly from the inventions of Hunter. Our only motive for introducing the work into this article is, that, by exposing so gross an imposition, the public may be put upon its guard for the future, and not give credit to tales supported neither by intrinsic nor extrinsic evidence. The letters, which we shall presently introduce, place beyond doubt the imposture of Hunter. And here we might safely dismiss the subject; but a cursory examination of a few of his more prominent statements, may elucidate some important traits of Indian manners, and will at all events detect the utter ignorance of the writer of the article in the *Quarterly*.

Hunter says he left the Osages in 1816, when he was nineteen or twenty years of age, and, as he recollects the incidents of his capture, he was then probably four or five. He was, therefore, taken about 1800, or 1801, and as the outrage was committed by a party of Kickapoos, the residence of his father must have been in Indiana or Illinois. His description of the scene shows, that it was an act of the most determined hostility. There were the war whoop and the yells, 'the massacre of parents and connexions, the pillage of their property, and the incendiary destruction of their dwellings.' This was in a period of profound peace. Such an aggression in 1800, or 1801, would have electrified the whole country west of the mountains. We have our own distinct recollections, and what is still better, we have the authority of General Harrison to justify us in saying, that no such incident occurred. The Kickapoos were quiet from the signature of Wayne's treaty, till the commencement of the difficulties with Tecumthé and the Prophet.

Hunter proceeds to state, that the party of Kickapoos, who took him, were themselves attacked and destroyed by the Pawnees, into whose possession he then fell. In 1800, and

for some time after, not a Kickapoo lived west of the Mississippi. They occupied the plains about the Illinois, and between that river and the Wabash. They are separated from the Pawnees by extensive districts, and by the Osages, Kansas, and Missouries. The Pawnees and Kickapoos have never been brought into contact with each other, nor have they ever been engaged in mutual hostilities.

After residing some time with the Pawnees, by a similar freak of fortune, he was thrown into the possession of the Kansas. We have then an affecting description of the 'venerable Chief Tohut-che-nau.' Where this *respectable man* lived, except in these pages, we have not been able to ascertain. There never has been a Chief of that name known among the Kansas, nor is the word itself, nor any thing like it, to be found in the Kansas language.

A transfer to the Osages terminated this pilgrimage from tribe to tribe. And with them he continued, until his final restoration to civilised life. It was during this period, that Tecumthé is said to have made his visit to the Osages, and delivered his celebrated speech.

The Osage tribe occupy the immense plains, extending from the Missouri and the Arkansas to the Rocky Mountains. They are the Ishmaelites of the Trans-Mississippi country. Their hand is against every man, and every man's hand is against them. The nations of the Algonquin family, the Shawnese, Delawares, Miamies, Kickapoos, and also the southern Indians, have been at war with them for ages. So late as 1818, we witnessed the arrival of a party of Shawnese, among their own people, from a hostile expedition against the Osages. The scalps, which they bore, evinced their success, and the shouts of the multitude left no doubt of the deep interest they felt, in the destruction of their enemies. No Shawnese had, in 1812, ever visited the Osages as a friend, nor was Tecumthé ever within many hundred miles of a party of that nation.

But the most wonderful event in the life of Hunter, is his journey to the Pacific. And wonderful indeed is it, that a party of thirtysix Kansas and Osages should have reached the brink of that distant ocean. No Osages or Kansas ever traversed the Rocky Mountains. Their inveterate enemies, the Alyetans, guard those passes, and even beyond, they must



encounter many hostile tribes, before they can reach the ocean. And this desperate expedition was undertaken with no other object, that we can discover, than to indulge in sentimental reflections and descriptions, which are said by the Quarterly to have 'great simplicity and beauty'!

Hunter's impudence is exceeded only by his ignorance. He says, 'The unbounded view of waters, the incessant and tremendous dashing of the waves along the shore, accompanied with a noise resembling the roar of loud and distant thunder, filled our minds with the most sublime and awful sensations, and fixed on them as immutable truths the tradition we had received from our old men, that the great waters divide the residence of the Great Spirit, from the temporary abodes of his red children. We here contemplated in silent dread the immense difficulties, over which we should be obliged to triumph after death, before we could arrive at those delightful hunting grounds, which are unalterably destined for such only as do good, and love the Great Spirit. We looked in vain for the stranded and shattered canoes of those, who had done wickedly. We could see none, and were led to hope they were few in number.\* All this is a clumsy fabrication. The Osages occupy a country of boundless plains. They know nothing of the ocean, nor do they believe, that the land of departed spirits is beyond it. The Heaven of the Indians is as sensual as the Mahometan paradise, and every tribe places it in situations, and fills it with objects, most familiar and agreeable,

'And thinks, admitted to that equal sky,  
His faithful dog shall bear him company.'

The Osages know nothing of canoes, and we have the best authority for saying, that there is not one in the nation. And yet their departed friends are sent over an ocean of which they never heard, in vessels such as they never saw!

Their opinion of the condition of the soul after death, is derived from their habits and modes of life. Their land of spirits is an extensive *prairie*, peopled with their friends, filled with game, and abounding in all that an Indian can desire. When they are buried, their clothes and other necessary articles are buried with them, that they may not suffer in the country for which they have departed. Every warrior

\* Hunter's Narrative, p. 77.

has a horse, which is never used but in war. This horse, with his saddle and accoutrements upon him, is brought to his master's grave after death, and is placed directly over it. He is then shot in the forehead, and there left, ready to be mounted by his master, on their arrival in the land of departed spirits.

We intended to expose Hunter's statements, respecting the courtship of the Indians, his trash about their materia medica, and many other topics, which he has introduced into his book. But we have exhausted our own patience, and probably that of our readers. It is evident, that the compiler of Hunter's work had examined the preceding accounts of the Indians, which have been published. But he was not able to discriminate between the different customs of differing tribes, and has therefore described the Osages and the neighboring nations, as possessing customs of which they have no knowledge. Among others, he speaks of throwing the tomahawk, a well known amusement with the northern Indians, but never practised in the southwest. The pipe tomahawk, which alone they use, is wholly unfit for this purpose. He describes the rifle as the common weapon of men and boys. But that instrument is very seldom used by the Indians of the plains, and, in fact, it has not been known among them till within a few years. Probably not one in ten is armed with it. The bow and arrow are their most efficient weapons against the Buffalo, and the northwest fusils, as they are called, are the most common firearms. He also describes the boys, as working with the women. A most disgraceful employment, utterly unknown among any of the Indians. And he speaks of wild rice, as an article of food, which in fact is found in no part of the country, where he pretends to have lived. These more minute circumstances he could not mistake, if he described facts only as they existed. And if not, it is in such descriptions, that his falsehoods become most apparent. But one of his grossest errors relates to the Ottawas. He speaks, in many places of his work, of the Ottawas, as a tribe of southwestern Indians.\* He had heard, or his compiler had read, of such a tribe, and they placed it in a most unfortunate situation. There is not an Ottawa west of the Mississippi, nor south of the heads of the Illinois river.

\* See pages 41, 95, 198, 200.

We shall close this part of our subject, by submitting the following testimony in confirmation of our statement, respecting the imposture of Hunter. The originals of the letters here published we have in our hands, with their proper signatures. They are written by gentlemen of the highest respectability, whose declarations may be received with perfect confidence. Of General Clark, the companion of Lewis in their adventurous journey to the Pacific Ocean, formerly Governor of Missouri, and now Superintendent of Indian Affairs at St Louis, it is unnecessary to speak. His character is too well known to require any encomium from us. He writes as follows.

*St Louis, Sept. 3, 1825.*

SIR,

In answer to your inquiries respecting the man, who calls himself Hunter, I have no hesitation in stating, that he is an impostor. Many of the most important circumstances mentioned by him are, to my certain knowledge, barefaced falsehoods. I have been acquainted in this country since 1803, and have resided in it since 1807, and for eighteen years have been connected with the Indian Department. It is not possible he could have lived with the tribes he mentions, and gone through with the scenes he describes, without some knowledge of him, and of his history, having reached me.

WILLIAM CLARK.

The next letter is from Mr Vasquez, subagent for the Kansas. He is an intelligent man, a Spaniard by descent, and well acquainted with the Indians in that country. He accompanied Pike in his journey to the Internal Provinces.

*St Louis, Sept. 3, 1825.*

SIR,

I have received your note of yesterday. In answer to the inquiries contained therein, I can say, that I have been engaged in trade with the Kansas tribe of Indians nineteen years, between the years 1796 and 1824, and that, during the whole of that time, there was no white man a prisoner, of any age or description among them; nor do I believe that such a circumstance has occurred for the last thirty years.

BARONET VASQUEZ.

The writer of the next letter, Major Choteau, has perhaps more knowledge of the Osages, than any other man living. It was owing to his exertions, and those of his brother, that a considerable portion of the tribe separated from the others,

and left the Missouri for the Arkansas. They are both natives of Louisiana, enjoying in the decline of life, with unblemished characters, the fruits of their exertions among the Osages for half a century.

*St Louis, Sept. 3, 1825.*

SIR,

In answer to your favor, I have the honor to state, that my acquaintance with the Osages has been since 1775 to this day, in the capacity of trader, agent, or otherwise, and that during that period, there never was any white boy living or brought up by them. I can further add, that had this circumstance happened, it could not but have come to my knowledge.

P. CHOTEAU.

One more letter, written by Mr Dunn, a member of the Missouri Legislature, shall close this part of our testimony. This was the gentleman, it will be recollected, whom Hunter states to have been his great patron and friend, and for whom he was named, after his return, as a mark of grateful affection. We will only add, that our personal inquiries of the most respectable inhabitants at Cape Girardeau, where Hunter says he was so long at school, satisfied us, that no such person, as he describes himself to have been, was, under any name, ever known there.

*Cape Girardeau, Sept. 4, 1825.*

SIR,

I have the honor to state, in answer to your inquiries on the subject, that I have never known such a person as John Dunn Hunter, the reputed author of *Memoirs of a captivity among the Osage Indians*, between the years 1804 and 1820. I have been a resident in the vicinity of this place for the last twenty years, during which time I have never heard of a person, bearing the same name with myself, in this country. I am, therefore, confident, that the author alluded to is an impostor, and that the work issued under his name is a fiction, most probably the labor of an individual, who has never seen the various tribes of Indians of whom he speaks.

I can further state, that I have known no man of the name of Wyatt in this county, who seems to have been mentioned as one of the friends of Hunter.

JOHN DUNN.

The facts exhibited in these letters need no comment. With every advantage for knowing the reality, it is not possible for the authors of them to mistake in so plain a matter. It should be kept in mind, that it was among the Osage and Kansas Indians, that Hunter represents the years of his captivity

chiefly to have been passed. The following is his account of the name he assumed. 'While with the Indians, they had given me the name of Hunter, because of my expertness and success in the chase; I therefore determined on retaining that as my patronymic. And as Mr John Dunn, a gentleman of high respectability, of Cape Girardeau county, state of Missouri, had treated me in every respect more like a brother or son, than any other individual had, since my association with the white people, I adopted his for that of my distinctive, and have since been known by the name of John Dunn Hunter.'\* In the same connexion he mentions having passed several weeks at school, in the neighborhood of Cape Girardeau.

We have thought it our duty to make this exposition to the public, because Hunter's book has gained considerable popularity, and because it is highly important that, if we cannot advance, we should not at least go backward, in our knowledge of the history and character of the Indians. The world has been amused with fable and fiction enough on this subject, and it is time now to look for facts, or be contented with the small stock that exists. Besides, we have, like other persons we presume, an inherent aversion to being imposed on, and feel it to be a demand of justice, that any person, guilty of so gross a fabrication, and so impudent a breach of good faith to the public, should be held up to open reprobation.

It was our first purpose to add in this place other remarks, respecting certain topics discussed in the review of Hunter's book in the *Quarterly*. It would not be easy to find an article of the same length, containing more blunders, if not misrepresentations, or tinged with a more thoroughly false coloring from beginning to end, and particularly in relation to the events on the frontiers during the late war. This subject may possibly be resumed on a future occasion, and a general view be presented of the comparative conduct of the British and American governments towards the Indians, and the policy and objects of each, both in peace and war. These particulars are very imperfectly understood, even in this country, and when fully developed, we hesitate not to say, that they will reflect the highest credit on the American government, at the same time they expose not more the unjustifiable mea-

\* *Hunter's Narrative, Life of the Author, p. 134.*

asures of the British cabinet, than the ignorance, or perverseness, of British writers.\*

Mr Halkett's work is a compilation from the standard writers, and contains an impartial and temperate account of the former condition of the Indians, and a review of the efforts, which have been made for their improvement. The author feels like a man of humanity, and writes like a man of sense. He has, however, as most writers upon these topics have done before him, overrated the amount of the aboriginal population, at the era of the discovery.

The statements upon this subject were certainly made in a spirit of exaggeration, by the early adventurers to America. Cautious statistical observations were not characteristics of the age; nor was the condition of the people, then recently made known to the old world, favorable for any probable estimate of their numbers. They were roaming through interminable forests, seeking a precarious subsistence; sending out their war parties to destroy their enemies, or providing for their own safety; showing themselves here today, and far distant tomorrow.† There is no reason to believe, that

\*The Quarterly Reviewers seem to have as strong a propensity for discovering American prodigies, as for misrepresenting American character, attainments, history, and institutions. They have, as we have seen, recently discovered Hunter, and made an elaborate eulogy upon him and his story. Some ten years ago, a vagrant sailor, who had been shipwrecked on the west coast of Africa, was picked up in the streets of London. This man said he was an American, called his name Robert Adams, and pretended to have penetrated far into the interior of Africa, and to have resided for some time at Timbuctoo. All this was credited by the knowing ones in London, and the illiterate sailor was made to dictate a book, which appeared in a majestic quarto, and came out under the patronage of noblemen, literati, and divers dignitaries of the nation. The Quarterly took it up, as a matter of course, with all due gravity, and bestowed much learning, and many sage comments, on this marvellous narrative; and by quoting Arabic, and various other tongues, settled, in the most summary manner, many difficult points of geography in the centre of Africa, and particularly the situation, character of the people, government, trade, and internal polity of the mysterious city of Timbuctoo. From that day to this, Robert Adams, the American sailor, has not been heard of. The Quarterly has now and then feebly reiterated some of its former statements, but no incident has occurred, which could in the remotest degree corroborate the story of Adams.

The imposture was fully detected in this Journal at the time, (North American Review, Vol. V. p. 11, No. xiii, for May; and p. 204, No. xiv, for July, 1817,) from testimony which amounted to a demonstration, and which no attempt has since been made to invalidate.

† No work abounds in more exaggerated statements of the Indian population, than de la Viga's narrative of the expedition of Ferdinand de Soto; and we consider it, as a historical document, entitled to about as much credit as the

any essential change has occurred in their mode of life. Hunting was the only occupation of the men, and it was followed at all seasons, casually, as opportunity or necessity dictated; but principally in the winter, when the animals were in the best condition, and when alone their skins were valuable. They then retired to their hunting grounds; not in bands, for the game would soon have disappeared before them. But almost every family selected a residence for itself, remote from others, where the game was abundant, and where they were employed in procuring and preserving meat and skins for immediate and future use. When this season passed away, they returned to their villages, where a little corn was raised with savage indolence, and consumed with savage improvidence. These annual migrations were frequently restrained, and sometimes prevented by the offensive and defensive operations, rendered necessary by their mutual and eternal hostilities; and a scarcity of provisions was the consequence, which led, as elsewhere, to famine and death. Many well authenticated accounts have reached us, of the most frightful sufferings under these circumstances.

It is obvious that such habits could exist only in a boundless forest, and among a sparse population; for where each family requires a deer, or an elk, or a buffalo, for its daily consumption, the herd, which is to supply such a demand, must occupy an extensive district of country.

Their powers of repletion and of abstinence were equally remarkable; and Mc Kenzie and other travellers relate facts

account of the Argonautic expedition; and it is not less difficult to reconcile its topographical details, than it is those of the Colchian adventurers with the general features of the country. One hundred and forty years after his expedition, the territory upon the Mississippi became well known to the French, and no traces then remained of his cities within sight of one another, of his crowded population and cultivated fields. Everything was then, as it had been found elsewhere in the new world, and as it remained, till changed by civilised man. So it doubtless had existed for ages. It is surprising, that any credit has ever been given to this work. Mr Nuttall has calculated the marches of de Soto's army, as they are recorded; and an estimate of the courses and distances will carry us north of Lake Superior. It is stated with perfect gravity in the history, that two Indian Chiefs quarrelled for the honor of sitting at table at the right hand of de Soto!

The Natchez have always been represented as a numerous and powerful tribe, and it has been often asserted in proof of this, that they had five hundred *Suns*, or Chiefs, subordinate to the great Sun. The origin of this story will be found in Du Pratz, who states, that it was related to him by one of these Chiefs, as a tradition, which had descended to them from their ancestors. And this is history!

upon this subject, which, however they may be at variance with our own experience and observation, we have no right to doubt. Captain Franklin states the daily allowance to each Indian and half breed, in the service of the Hudson's Bay Company, to be three white fish, averaging four pounds each, or two wild geese, or eight pounds of solid Moose meat.

As long as the destruction of the game was restricted to an adequate supply of the wants of the Indians themselves, it is probable there was little diminution in the number of animals, and that here, as in other cases, population and subsistence had preserved an equal ratio to each other. But when the white man arrived with his cloths, guns, and other tempting articles, and the introduction of new wants drove the Indians to greater exertions to supply them, animals were killed for their furs and skins. An important article of exchange was made known to the Indians, which they were stimulated to procure, and an alarming declension became visible in the animals, essential to their support. Their population, scanty as it was, soon began to press upon their means of subsistence, and the operation of these causes was accelerated by the introduction of firearms, and the consequent facility afforded for destroying the game. The occupation of the hunter ere long became laborious, and his labor was rewarded with diminished success. He found the means of supplying his family decreased, as their attachment to the articles brought among them, and their wants, increased. Game became less abundant, and receded from the circle of destruction, which advanced with the advancing settlements.

We are satisfied that this cause has had a strong influence in reducing the Indian population. Its operation has been aided by other circumstances; by the small pox, whose ravages have been sometimes frightful; and by ardent spirits, which have prostrated the mental and physical energies, and debased the character of the Indians, in the immediate vicinity of the white settlements; but whose general effect, we are strongly inclined to believe, has been greatly overrated.

Among the remote tribes, spirits are scarcely ever seen, and they do not constitute an article of general use, even among those, who are much nearer to us. The regulations of the government are such, and they are so rigidly enforced, that the general introduction of spirits into the Indian country



is too hazardous for profitable speculation. Nor could it bear the expense of very distant transportation; for if sold and consumed, a corresponding reduction must be made in clothing, guns, powder, and lead, articles essential to the successful prosecution of their hunting expeditions, and without which the trader would soon find his credits unpaid, and his adventure equally ruinous to the Indians and himself.

But their own ceaseless hostilities, as indefinite in their objects, as in their duration, have, more than any other cause, led to the melancholy depopulation, traces of which are everywhere visible through the unsettled country; less, perhaps, by the direct slaughter, which these hostilities have occasioned, than by the change of habits incident to their prosecution, and by the scarcity of the means of subsistence, which have attended the interruption of the ordinary employments of the Indians. There is reason to believe, that firearms, by equalising the physical power of the combatants, have among these people, as in Europe, lessened the horrors of war.

It will be observed, that in this brief analysis of the causes, which have accompanied and accelerated the progress of Indian depopulation, we have not taken into view the situation of the small tribes in New England and Virginia, at the first settlement of these countries, and subsequently to that period. The stranger and the native were there soon brought into hostilities, and it is difficult to separate the effect of these, from the operation of other causes.

We shall refer to a few facts, in support of the speculations in which we have indulged; and as the scenes of their occurrence are separated from us by a wide interval of time or space, the white man cannot be accused of causing the depopulation, of which they are striking evidences.

Father Sagard, in 1632, estimated the Wyandots at fifty thousand, and after making all proper allowances for the good father's credulity, and for the difficulty attending even a probable enumeration, still their numbers must have been very great. In 1645, they were reduced, by war and famine, to a miserable remnant, who fled before the Iroquois, their enemies, and sought refuge with the Sioux in the country west of Lake Superior.

In 1805, when Lewis and Clark ascended the Missouri, they found an intelligent man, named Jesso, living with the

Mandans. This man informed them, that when he arrived there, twenty years before, there were five inhabited villages, and four, which had been then recently abandoned. The remains of all these were distinctly visible, and were traced by the exploring party. At that time, the number was reduced to three, and now there is but one remaining. In 1763, the Arickarees, when first visited by Colonel Choteau, had thirteen villages. In 1804, they had three, and they have now but two; and one of these has been formed by a union of several dispersed bands. A woman of the Snake tribe accompanied the same party, as an interpreter. She had been taken prisoner many years before, and when they arrived at her native tribe, and of which her brother was the Chief, she found, that during the period of her captivity, they had lost more than half their people.

The Indians, in that extensive region, are to this day far beyond the operation of any causes, primary or secondary, which can be traced to civilised man, and which have had a tendency to accelerate their progressive depopulation. And yet their numbers have decreased with appalling rapidity. They are in a state of perpetual hostility, and it is believed there is not a tribe between the Mississippi and the Pacific, which has not some enemy to flee from or to pursue. The war flag is never struck upon their thousand hills, nor the war song unsung through their boundless plains.

We have only stated a few prominent facts; but, were it necessary, many others might be adduced to prove, that the decrease in the number of the Indians, whatever it may be, has been owing more to themselves, than to the whites. To humanity it is indeed consolatory to ascertain, that the early estimates of aboriginal population were made in a spirit of exaggeration; and that, although it has greatly declined, still its declension may be traced to causes, which were operating before the arrival of the Europeans, or which may be truly assigned, without any imputation upon the motives of the first adventurers or their descendants.

But after all, neither the government nor people of the United States have any wish to conceal from themselves, nor from the world, that there is upon their frontiers a wretched, forlorn people, looking to them for support and protection, and possessing strong claims upon their justice and humanity.

These people received our forefathers in a spirit of friendship, aided them to endure privations and sufferings, and taught them how to provide for many of the wants, with which they were surrounded. The Indians were then strong, and we were weak; and, without looking at the change which has occurred, in any spirit of morbid affectation, but with the feelings of an age accustomed to observe great mutations in the fortunes of nations and of individuals, we may express our regret, that they have lost so much of what we have gained. The prominent points of their history are before the world, and will go down unchanged to posterity. In the revolution of a few ages, this fair portion of the continent, which was theirs, has passed into our possession. The forests, which afforded them food and security, where were their cradles, their home, and their graves, have disappeared, or are disappearing, before the progress of civilisation.

We have extinguished their council fires, and ploughed up the bones of their fathers. Their population has diminished with lamentable rapidity. Those tribes that remain, like the lone column of a fallen temple, exhibit but the sad relics of their former strength; and many others live only in the names, which have reached us through the earlier accounts of travellers and historians. The causes, which have produced this moral desolation, are yet in constant and active operation, and threaten to leave us, at no distant day, without a living proof of Indian sufferings, from the Atlantic to the immense desert, which sweeps along the base of the Rocky Mountains. Nor can we console ourselves with the reflection, that their physical declension has been counterbalanced, by any melioration in their moral condition. We have taught them neither how to live, nor how to die. They have been equally stationary in their manners, habits, and opinions; in everything but their numbers and their happiness; and although existing more than six generations, in contact with a civilised people, they owe to them no one valuable improvement in the arts; nor a single principle, which can restrain their passions, or give hope to despondence, motive to exertion, or confidence to virtue.

Slow and embarrassing has been the progress of all barbarous tribes, through that interval of their history, which

follows the first rude efforts to procure a bare subsistence, and which is terminated by the operation of those causes, that eventually lead to everything desirable in civilised life. Nor is it easy to assign the true reason for these changes, and we may seek it in vain, either in fabulous or authentic history. The first impulse may be given by accidental circumstances, by a Hercules or a Manco Capac, whose labors tradition has distorted, while it has perpetuated them. This wide interval of stationary existence is occupied by many tribes, in very different stages of improvement, from the Bosjesman and the Eskimaux, antipodes in residence, but exhibiting equally the lowest state of human degradation, to the comparatively polished hordes, who live now as they have always lived, among the earliest monuments of history and tradition. There the Arab has remained, as unchanged as his cloudless sky and sandy desert, and the Scythian Nomades yet roam through the Asiatic wastes, as they did in the days of Herodotus.

Efforts, however, have not been wanting, to reclaim the Indians from their forlorn condition; but with what hopeless results, we have only to cast our eyes upon them to ascertain. Whether the cause of this failure must be sought in the principles of these efforts, or in their application, has not yet been satisfactorily determined; but the important experiments, which are now making, will, probably, ere long put the question at rest. During more than a century, great zeal was displayed by the French Court, and by many of the dignified French ecclesiastics, for the conversion of the American aborigines in Canada; and learned, and pious, and zealous men devoted themselves with noble ardor, and intrepidity, to this generous work. At what immense personal sacrifices we can never fully estimate. And it is melancholy to contrast their privations and sufferings, living and dying, with the fleeting memorials of their labors. A few external ceremonies, affecting neither the head nor the heart, and which are retained like idle legends among some of the aged Indians, are all that remain to preserve the recollection of their spiritual fathers; and we have stood upon the ruins of St Ignace, on the shores of Lake Huron, their principal missionary establishment, indulging those melancholy reflections, which must always press upon the mind, amid the fallen monuments of human piety.

The great error of the Catholic fathers was in the importance, which they attached to speculative creeds, and unmeaning ceremonies; and in their neglect to teach their Neophytes any arts, which could be useful to them. Frivolous questions assumed a very false importance; and among other instances of this folly, it was gravely referred to the Doctors of the Sorbonne, to decidew hether beavers' tails might be eaten in Canada in lent. The consequence of all this was, that no valuable nor permanent impression was made upon the Indians, and the separation of the shepherd and the flock soon scattered the latter among the forests, unsettled in their opinions, and unfitted by habit for the only pursuit before them.

The efforts, which benevolent individuals and associations are now making through the United States, in cooperation with the government, are founded upon more practical principles, and promise more stable and useful results. We consider any attempt utterly hopeless, to change the habits or opinions of those Indians, who have arrived at years of maturity, and all we can do for them is to add to the comforts of their physical existence. Our hopes must rest upon the rising generation. And, certainly, many of our missionary schools exhibit striking examples of the docility and capacity of their Indian pupils, and offer cheering prospects for the philanthropist. The union of mental and physical discipline, which is enforced at these establishments, is best adapted to the situation of the Indians, and evinces a sound knowledge of those principles of human nature, which must be here called into active exertion. A few years will settle this important question; and we have no doubt, that on small reservations, and among reduced bands, where a spirit of improvement has already commenced, its effects will be salutary and permanent.

But we confess that, under other circumstances, our fears are stronger than our hopes. Where the tribes are in their original state, with land enough to roam over, and game enough to pursue, they not only do not feel the value of our institutions, but are utterly opposed to them. Young men, sent from the missionary establishments among such tribes, may be Indians in blood and color, but they will be whites in habits, feelings, and opinions. They cannot be hunters, for

time and experience can alone qualify them for these pursuits, which will be found incompatible with the whole course of their education. Nor can they, without such pecuniary means as few will be able to command, become successful farmers. They will be strangers in their native land, exciting jealousy and suspicion, and seeking in vain one kindred feeling. And if they should receive or acquire any property, their Indian relations, in conformity with invariable custom, would live with them in entire indolence, until it was exhausted. What hopes or employment are left for them under these circumstances? We apprehend, that in too many instances they would seek refuge in excessive ebriety; and this has been remarked upon the frontiers, as the fate of almost every Indian, who has been educated in our settlements. But we have too much respect for the pious men, engaged in this mighty effort, and feel too deep an interest in the result, to wish to discourage their labors by any untimely forebodings. The final issue must be left to the unerring test of experience.

A different plan has been suggested by the Executive Department of the government, and recommended to Congress. This plan contemplates certain conventional arrangements with the various tribes, east of the Mississippi, by which they may be induced to abandon their present places of residence, and remove to the country west of that river. The able and excellent statesmen, with whom it had its origin, have probably, in surveying the condition of the Indians, derived no hope for the future, from a retrospect of the past; and they felt, that the situation of this hapless people pressed upon the responsibility of the government, and the character of the country. But we are seriously apprehensive, that in this gigantic plan of public charity, the magnitude of the outline has withdrawn our attention from the necessary details, and that, if it be adopted to the extent proposed, it will exasperate the evils that we are all anxious to allay.

Migratory, as our Indians are, they all have, with few exceptions, certain districts which they have occupied for ages; to which they are attached by all the ties which bind men, white or red, to their country; and where their particular habits, and modes of life, have become accommodated to the nature of the animals, which furnish their subsistence. The larger quadrupeds, whose flesh is used for food, the buffalo,

the moose, the elk, the deer, the bear, the caribou, and the musk ox, are not found in any single quarter of country, and very different modes of taking and killing them are used, founded on their various habits, and acquired by long experience. This is also the case with the fur bearing animals, the muskrat, the raccoon, the otter, and the beaver. And so with respect to other articles of food, the various kinds of fish, wild rice, roots, and berries.

Providence, which tempers the wind to the shorn lamb, has distributed these productions through the country with an impartial hand, and the Indians have availed themselves of the food thus spontaneously offered to them, and have learned the mode of taking, preparing, and preserving it. A removal through eight degrees of latitude, and fifteen degrees of longitude, will bring many of them to a country, of whose animal and vegetable productions they are ignorant, and will require them to make great changes in their habits, to accommodate themselves to the new circumstances, in which they may be placed;\* changes, which we, flexible as we are, should make with difficulty, and with great sacrifices of health and life. It is no slight task for a whole people, from helpless infancy to the decrepitude of age, to abandon their native land, and seek in a distant, and perhaps barren region, new means of support. The public papers inform us, that an attempt was made this season in Ohio, by the authorised agents of the government, to induce the Shawnese to remove to the west, and that liberal offers were made of money, provisions, and land. But it seems they declined, alleging that they were happy and contented in their present situation, and expressing their dissatisfaction with the nature of the country offered to them.

But this is not all. Many of the tribes, as we have already seen, east and west of the Mississippi, are in a state of active warfare, which has existed for ages. The Chippewas are hereditary enemies of the Sioux, and the Sacs and Foxes have recently joined the former in the war; and most of the Algonquin tribes, the Delawares, Shawnese, Kickapoos, Mia-

\* These observations do not apply to the removal of the Creeks. Many of their own people, and still more of their kindred tribes, have removed west of the Mississippi. And the country offered to them there, is in its climate similar to their own.

mies, and others, are in the same relation to the Osages. How are these tribes to exist together? As well might the deer associate with the wolf, and expect to escape with impunity. The weak would fall before the strong. Parcel out the country as we may among them, they will not be restrained in their movements by imaginary lines; but will roam where their inclination may dictate. There is a strong tendency to war, in the whole system of Indian education and institutions. How is the young man to boast of his exploits, at the great war dance and feast of his band, as his father has done before him, unless he can find an enemy to encounter? How can he wear on his head the envied feathers of the war Eagle,\* and one for each adventure; or paint upon his body a vermilion mark for each wound, if he must pursue game only, and never travel the war path? A cordon of troops, which should encircle each tribe, might keep them all in peace together. But without such a display of an overwhelming military force, we should soon hear, that the war dance was performed, the war song raised, and that the young men had departed in pursuit of fame, scalps, and death. And this scene would be more tremendous, as the Indians were more compressed. They could then neither conceal themselves from the pursuit of their enemies, nor flee from their vengeance.

But it may well be asked, how are we to afford the Indians any aid? How are we to preserve them from decline and extinction? And we must confess, that these questions are not easily to be answered. Some will remove beyond the

\* The feathers of this bird, the *Falco fulvus* of Wilson, are highly esteemed by the Indians. No person is permitted to wear them, who has not been engaged with an enemy; and as one is worn for each adventure, they are *visible* chronicles of the deeds of the warriors. He who has arrived at years of maturity, and is destitute of these evidences of daring, is little better than a squaw. They are tied to the hair, and are admirably adapted to give effect to the whole Indian costume.

The bird itself is called the Calumet Eagle, and is among the American birds, what the lion is among quadrupeds. These eagles fly rapidly, and their descent is attended with a sound, which is heard at a considerable distance, and which is a signal to all other birds to disappear.

Their evident superiority has led to the veneration in which they are held. They are rare, and killed with difficulty. A hole is sometimes dug and slightly covered, and here a hunter will watch day after day, with a bird in his hand to entice and take the eagle. At other times a deer is killed, and a covert made near it, where equal patience is displayed, till a successful shot secures the prize. A horse is sometimes given for a feather.



Mississippi. But this will be done gradually, as their circumstances may require, and as their safety may permit. Others will remain, and perhaps become incorporated with our population.

The whole subject, however, is involved in great doubt and difficulty, and it is better to do nothing, than to hazard the risk of increasing their misery. For ourselves, we think, that the efforts of the government should be limited to certain general objects and regulations. That the laws, regulating trade and intercourse with them, should be revised, and their injunctions and prohibitions rendered more plain in execution. That the officers of the Department should be increased, and stationed at every important point of the frontier, to soothe and encourage the Indians, to enforce the observance of the laws, and to watch the conduct of the traders. That neither expense nor exertions should be spared, to prevent the introduction of whiskey into the country, and that the Indians should be persuaded to pass the boundary line, as seldom as possible. That the acts of Congress should be extended to them, under that provision of the constitution, which allows the general government to regulate our intercourse with them, when in our settlements, where they are now lamentably exposed, and left without protection. That hunters and trappers should be excluded from their country. That, as the failure of any of their ordinary articles of subsistence is attended with frightful calamities, provisions should be sent to them occasionally, when suffering from want; that seed corn, domestic animals, and farming utensils, should be distributed among them, and that honest, zealous men should be employed to labor for them and with them. That they should be encouraged to hold separate property, and to divide their lands among families and individuals. That ten thousand dollars should be annually added to the appropriation for civilising them, until a satisfactory judgment can be formed, of the probable result of this experiment. And that, after all this, we should leave their fate to the common God of the white man and the Indian.

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ART. VI.—*Fauna Americana; being a Description of the Mammiferous Animals inhabiting North America*. By RICHARD HARLAN, M. D. Philadelphia. 1825. A. Finley. 8vo. pp. 318.

THE object of this work is to present, under a systematic arrangement, a scientific history of all the mammiferous animals of North America, and it is probably the first attempt of the kind. The object, however, which is professed in its title, is not wholly followed up in the body of the work; the animals of Mexico being avowedly excluded from the description and arrangement, although, in the preface, an enumeration is given of those known to exist in that country. The number of animals, described within the region embraced by Dr Harlan's plan, is greater than we should have at first supposed to be now known to naturalists. He has been able to distinguish, he remarks, one hundred and fortyseven species, with considerable accuracy. From his preface we quote the following passage.

‘A work, having for its object the illustration of the natural history of our country, cannot fail to prove interesting, and has long been a desideratum to naturalists. However unqualified for the task, I have nevertheless found ample room for additions, alterations, and improvements. On the *utility* of the undertaking it will be unnecessary to insist, when, on referring to the latest authorities who have treated of this subject, we are struck with the confusion, the errors, and the deficiencies, which still prevail. In the very latest work, Desmarest's *Mammalogie*, published in the year 1820, which professes to describe all the species of *Mammalia* hitherto known, the number inhabiting North America is limited to one hundred *species*. Of these many are described as uncertain, and his accounts of the manners and habits of most of them are at best deficient.’

What these additions, alterations, and improvements are; in what manner confusion has been reduced to order, errors corrected, and deficiencies supplied, may appear in the sequel. Meantime, to exhibit the author's labors within a small compass, we have prepared, and think proper to insert in this place, a catalogue of the animals described in his work, in their systematic order as marshalled by him. This will serve at once to show the field over which his labors have been

spread, and give those, who seldom consult books of this description, an opportunity of taking in, at a single view, the whole of the animals of this class, found in this part of North America. In order to assist in the discrimination of the names belonging to genera and species, those of genera are printed in small capitals, those of species in the common small type. Those genera and species introduced by Dr Harlan, as being first noticed, described, or named by him, are in italics, and those which have been only known in the fossil state, have an asterisk prefixed.

## CLASS MAMMALIA.

## ORDER I. PRIMATES.

HOMO. 1 sapiens. American Variety.

## ORDER III. CARNIVORA.

*Family Cheiroptera. Tribe Vespertilio.*

RHINOPOMA. 1 caroliniensis.

VESPERTILIO. 1 caroliniensis, 2 noveboracensis, 3 pruinus, 4 arquatus.

TAPHOZOUS. 1 rufus.

*Family Insectivora. First Division.*

SOREX. 1 constrictus, 2 araneus, 3 parvus, 4 brevicaudatus.

SCALOPS. 1 canadensis, 2 pennsylvanica.

CONDYLURA. 1 cristata, 2 longicaudata, 3 macroura.

TALPA. 1 europea.

*Family Carnivora. First Tribe, Plantigrada.*

URSUS. 1 arctos, 2 cinereus, 3 americanus, 4 maritimus.

PROCYON. 1 (URSUS) lotor.

TAXUS. 1 (MELES) labradoria, 2 jeffersonii.

GULO. 1 arcticus.

MUSTELA. 1 vulgaris, 2 erminea, 3 *lutreocephala*, 4 vison, 5 canadensis, 6 martes.

MEPHITIS. 1 americana.

LUTRA. 1 brasiliensis, 2 marina.

CANIS. 1 familiaris, 2 lupus, 3 lycaon, 4 latrans, 5 nubilus, 6 vulpes, 7 argentatus, 8 decussatus, 9 virginianus, 10 fulvus, 11 cinereo-argenteus, 12 velox, 13 lagopus.

FELIS. 1 concolor, 2 onca, 3 pardalis, 4 canadensis, 5 rufa, 6 fasciata, 7 montana, 8 aurea.

*Tribe. Carnivorous Amphibious Animals. (Carnivora pinnipedia.)*

PHOCA. 1 cristata, 2 vitulina, 3 groenlandica, 4 fetida, 5 barba-ta, 6 (OTARIA) ursina.

TRICHECUS. 1 rosmarus.

*Family Marsupialia.*

DIDELPHIS. 1 virginiana.

## ORDER IV. GLIRES.

## Section I.

CASTOR. 1 fiber.

\*OSTEOPERA. 1 \**platycephala*.

FIBER. 1 zibethicus.

ARVICOLA. 1 amphibius, 2 xanthognatha, 3 *palustris*, 4 *hortensis*, 5 floridanus, 6 pennsylvanica.

LEMMUS. 1 hudsonius.

MUS. 1 rattus, 2 sylvaticus.

PSEUDOSTOMA. 1 bursarius.

GERBILLUS. 1 canadensis, 2 labradorius.

ARCTOMYS. 1 monax, 2 empetra, 3 ludoviciani, 4 tridecem-lineata, 5 franklinii, 6 richardsonii, 7 pruinosa, 8 parryii, 9 brachyura, 10 *latrans*, 11 rufa.

SCIURUS. 1 cinereus, 2 capistratus, 3 rufiventer, 4 niger, 5 magnicaudatus, 6 quadrivittatus, 7 lateralis, 8 grammurus, 9 striatus, 10 hudsonius, 11 ludovicianus.

PTEROMYS. 1 volucella.

HYSTRIX. 1 dorsata.

LEPUS. 1 americanus, 2 glacialis, 3 *virginianus*.

## ORDER V. EDENTATA.

First Tribe. *Tardigrada*.

\*MEGATHERIUM. 1 \*cuvieri.

\*MEGALONYX. 1 \*jeffersonii.

## ORDER VI. PACHYDERMATA.

First Family. *Proboscidea*.

ELEPHAS. 1 \*primogenius.

\*MASTODON. 1 \*giganteum, 2 \*angustidens.

Second Family. *Pachydermata, properly so called.*

SUS. 1 scrofa.

DICOTYLES. 1 torquatus.

TAPIRUS. 1 \**mastodontoides*.

## ORDER VII. PECORA.

## Second Division. First Tribe.

CERVUS. 1 alces, 2 tarandus, 3 canadensis, 4 virginianus, 5 macrotis, 6 \**americanus*.

## Third Tribe.

ANTILOPE. 1 americana.

CAPRA. 1 montana.

OVIS. 1 ammon.

OVIPOS. 1 moschatus.

BOS. 1 americanus, 2 \**bombifrons*, 3 \**latifrons*.

## ORDER VIII. CETA.

First Family. *Cetacea Herbivora, Sirenia.*

MANATUS. 1 latirostris.

RYTINA. 1 (STELLERUS) borealis.

*Second Family. Ceta or Whales proper. First Division.*

DELPHINUS. 1 coronatus, 2 delphis, 3 canadensis, 4 phocœna, 5 gladiator, 6 grampus, 7 leucas, 8 anarnachus.

MONODON. 1 monoceros, 2 microcephalus, 3 andersonianus.

*Second Division.*

PHYSETER. 1 macrocephalus, 2 trumpo.

BALÆNA. 1 mysticetus, 2 glacialis, 3 nodosa, 4 gibbosa, 5 gibbar, 6 boops, 7 rostrata.

Unless there is some oversight in making out this catalogue, which we presume there is not, the following table exhibits the number of species in each order; and, by way of comparison, we place by the side of it, a table given by the author, in his preface.

<i>Orders.</i>	<i>Number of Species.</i>	<i>Author's Table.</i>
1. Primates,	1	1
3. Carnivora,	62	60
4. Glires,	42	37
5. Edentata,	2	6
6. Pachydermata,	6	2
7. Pecora,	13	13
8. Ceta,	22	28
	148	147

It will be perceived, that, if this enumeration is to be trusted, and great care has been taken to make it accurate, the author's table is wrong in five orders out of seven. Two of these errors may, however, be attributed to an accidental transposition of numbers, viz. orders 5 and 6. For the rest, there seems to be no such excuse. He speaks, also, in the preface, of eleven fossil species; only ten are contained in the above list. He must, therefore, intend to include a fossil species of *Manatus*, which is neither named nor numbered, and which, if admitted, will make the number of the last order 23, and the total of all the orders 149.

In the construction of his orders, Dr Harlan appears to have followed the *Règne Animal* of Cuvier, and we have numbered them accordingly. The names, however, are adopted, partly from that author, and partly from Linnæus. Thus, for the first order, he retains the Linnæan denomination, Primates; although he excludes from it the bats, and, we presume, the monkeys also, which originally belonged to it. To the fourth order he gives the name Glires, instead of

the more modern and expressive one of Rodentia. To the seventh, the proper appellation, Ruminantia, is applied in the preface, but in the body of the work, this is discarded for Pecora; and so, also, Cetacea in the preface becomes Ceta in the sequel. There does not appear to be any sufficient reason for thus retaining the Linnæan names of a few of the orders, whilst their constitution, and the names also of all the others, are adopted from a different system. Names themselves are not originally of any very great consequence, yet they become so, when they have been employed for a long time to designate particular things. It is not, perhaps, in itself a matter of much importance, whether the first order of Mammalia be denominated Primates, or Bimana; but since it is generally known that the naturalists, who have severally adopted these names, constituted the order in a manner entirely different; that Cuvier places in it man alone, whilst Linnæus associated him with monkeys, lemurs, sapajous, and bats; the terms are gradually understood in a specific sense, and bear always the meaning attached to them by those, who first introduced them. At all events, the adoption of any new method of arrangement, or the use of any terms in a sense differing from that generally received, should be premised by some sufficient explanation.

It is stated in the preface, that 'twentyfive species are common to both continents, without including the cetaceous animals.' That is to say, about one fifth part of the quadrupeds, inhabiting North America, are common to it with the Eastern continent. Dr Harlan is too ready to admit the identity of species of the new, with others of the old world, or at least he does it without showing that deliberation, which the decision demands, and without apparently considering the doubts, which rest upon the subject. It certainly admits of a doubt, whether any species of animals is common to the two continents, except where it may have been transported from one to the other, by some accidental mode of conveyance, or unless it resides in the northern regions, and is capable of enduring the rigors of a polar winter, so that it may be supposed to have passed in some way from one continent to the other.

It is a general result of the observations, upon the distribution of both the vegetable and animal creation, that each

species appears originally to have inhabited some particular region, from which it has spread more or less extensively, according to its own nature, and the nature of the country in which it was first placed. Buffon remarked, that the animals of the old world were in general different from those of the new, and that the species common to both were such, as are able to endure the extreme cold of the arctic regions, and may therefore be supposed to have found a way from one continent to the other, where they approach very near together, and may have been formerly joined. Of the general truth of this statement, there is abundant proof. Whether there are not many individual exceptions is not so easily determined. All the largest, the most clearly described, and the most easily distinguished animals of the old world, are certainly peculiar to it; and although there may be in the new, animals closely resembling them, corresponding to them, and often mistaken for them, yet they are almost always specifically, and often generically distinct. Thus of the Proboscidean family, the living elephants are peculiar to the eastern continent; and fossil remains indicate the former existence in the western, of a race of animals resembling them in many important particulars, although generically distinct; whilst there is sufficient evidence, that a species of elephant, adapted by its structure to endure the cold of the northern regions, formerly existed in both. Of the celebrated ferocious animals of the feline race, we have not one. It is true we hear of the American tiger, and the American lion, but they are manifestly creatures smaller, less powerful, and less terrible. The wolf, on the contrary, whose constitution is hardy, and able to endure the rigors of a polar winter, is the same in Europe, in Asia, and in America. The two species of camel are confined to Asia and Africa. America has a genus, the Llamas, nearly allied, and not less adapted to the peculiar character of the countries in which it resides. The comparison might be carried farther, and it might be shown, that those species, which have been supposed common, have been small, obscure, imperfectly observed, not easily recognised, and incapable of that precise description, which may be given of the larger.

In confirmation of the same general view, it appears that the successive discovery of new and insulated portions of the

globe, as America and New Holland, has brought to light, not only new genera and species, but races of animals of a totally different kind, possessing strange, and before inconceivable characteristics. Thus, on the discovery of America, were first known those singular animals, the sloths, characterised by Buffon as defective monsters, and rude and imperfect attempts of nature; and the marsupial animals, which were then looked upon as strange and anomalous, in their structure and habits. In New Holland an entirely new order of things was opened to the eyes of naturalists. The world of nature, in that remote region, seemed to have been formed upon a new model. The marsupial animals, before considered as exceptions to the general rules of animal conformation, were here found to predominate. Elsewhere regarded as rarities, here there was little else, till, as exceptions to these exceptions, to the infinite disturbance of all quiet and old fashioned naturalists, the monotremous genera, and among them that strange beast, the ornithorhynchus, were brought to light; a tribe of animals, that seem to scorn classification, set rule and order at defiance, and although properly neither flesh, fowl, nor reptile, yet bear such resemblance to each, as to puzzle any one who shall attempt to fix their place in the system of nature.

Another fact to the same purpose is, that of the various animals which inhabit the arctic regions, and whose constitution renders it impossible for them to bear the journey across the tropics, probably not one is found in the antarctic. This is not only true of the land animals, but also of those inhabiting the sea, from the largest, down to the most minute and inconsiderable. It is remarked by MM. Peron and Le Sueur, that upon an examination, not merely of the Dorides, the Aplysias, &c. but carried down to the Holothurias, the Actinias, and the Medusas, or even still farther to the sponges, universally regarded as occupying the lowest rank of animal existence, it is found that out of the whole immense multitude of these antarctic animals, not one is known in the northern seas.

Dr Prichard, a most intelligent English writer, has given the subject a full consideration in his 'Researches into the Physical History of Man,' a work full of learning and ingenuity. After an examination of all the instances in which it



might be supposed, that species were common to the eastern and western continents, he arrives at the conclusions, that no animal is common to the warm parts of the two continents; that no European species is indigenous in both, which is not a native of countries north of the Baltic in one, and of Canada in the other; that no Asiatic species is found in America, except such as inhabit the northern parts of the Russian empire, and most of these in those districts which approximate to America, whilst some have left proofs of their existence there in their fossil remains, and some have even been traced through the intervening islands; and that scarcely any animal has an extensive range in the northern regions of either continent, which is not common to both. All these considerations point to the general inference, that these tribes are common to the two continents, because, from their locality and habits, they have been enabled in some way to effect a communication from one to the other; but that, originally, each continent had its peculiar stock of mammiferous animals, which has continued peculiar in all parts of the continents, except where such a communication may be conceived, in the course of ages, to have taken place.

It therefore appears highly probable, that, with the limitations made above, the species aboriginal in each continent are also peculiar to it. And although this may not be conclusively established, the result at least is inevitable, that it behoves naturalists to be very cautious in admitting the identity of American and foreign species; that it should not be done except after a thorough examination of both external and internal characters, and then only by the concurrent opinion of competent judges.

Dr Harlan is unfortunate in the connexion and arrangement of his species, particularly in the subdivisions of tribes, families, and subgenera. He in no place directly informs us, whose system of subdivisions he has adopted. In a work confined to the animals of a particular country, we can of course have only parts of a methodical arrangement, but it is of little use to introduce these parts, when the student has no clue, by which to discover what and where is the whole to which they belong. Divisions of this sort have no use or meaning, except in relation to one another. Class, order, genus, and species, are terms universally received and au-

thorised by long use ; their extent and meaning are generally understood. But suborder, family, tribe, and subgenus, not to say section and division, are terms whose signification is by no means accurately defined. They are too often used in a vague sense, and by different authors in a very different one. There is a considerable uniformity in the arrangement of the animal kingdom, by naturalists, into the divisions of the first kind ; they have proceeded commonly upon similar principles, and have arrived at results not very unlike. But with regard to the second kind, much diversity occurs, both in the principles by which authors have been governed in making them, and also in the meaning of the terms used to express them.

A beginner in natural history would be perpetually perplexed, and be liable to constant error, from the want of attention to this point, in the Fauna Americana. This work may be likely to fall into many such hands, and be taken as a guide in the study of this branch of science. It should, therefore, have been carefully guarded. How careless and superficial the author has been in this very particular, we proceed to show by a variety of examples.

The order, Carnivora, he subdivides into families according to Cuvier. The first family is that of Cheiroptera, containing animals of the bat kind. This family, as it appears, he subdivides into tribes, and immediately announces, without preparation, '*Tribe Vespertilio.*' Under this tribe, after inserting and describing the genus *Rhinopoma*, he introduces the *genus Vespertilio*, with which he gives the dental formula of Linnæus and Desmarest, marked 1 and 2, implying, as one would imagine, that reference was made to two subdivisions of the genus, but whether this was intended, or whether the formulæ were introduced merely for the purpose of comparison, does not appear, and we are left in doubt what use to make of them. Then follows the generic description, and one species numbered 1. Immediately after the description of this species, a new division comes upon us unexpectedly, entitled '*1st Division, VESPERTILIO, Geoff.*' with a dental formula differing slightly from that of Desmarest, a short description, and an enumeration of the species hitherto observed. Three species of *Vespertilio* are then described, which, without reference to that already described,

are numbered 1, 2, 3, and among them one which is not of those enumerated, but a page before, as the only ones belonging to this division.

Now it is hard to make anything of this, and yet the author, for aught we know, may have understood himself very well, and had a very clear object in what he has done. Still we do not keep up with him in his easy transition from genus to species, from species to division, and from division to species again. This, however, might have been accidental were it the only instance, but it is not so. Proceeding to the next family, Insectivora, we find immediately after the character of the family, a '1st *Division*,' intended to include the first *tribe* of this family, according to Cuvier, from whom in fact the description of its character is almost literally translated. Here is an instance of the vague use of terms, concerning which we have spoken. *Tribe* was used under the former family to designate a subdivision of the genera belonging to a family, whilst now the term *division* is used for a similar purpose, which, under the same family, was employed to stand for the parts of a subdivided genus. But although the first division, or, more properly, tribe of this family, is thus noticed and characterised, we look in vain for the second. This is entirely and unaccountably omitted, although there are two genera belonging to it, *Condylura* and *Talpa*, which stand thus in the work in a tribe to which they do not belong, and with a character to which they do not correspond.

The family Carnivora follows next, and this is by Cuvier divided into three tribes, *Plantigrada*, *Digitigrada*, and *Amphibia*. Genera belonging to all these tribes are contained in Dr Harlan's book, but he announces only two. The plantigrade animals are defined, (p. 45,) and called '1st *tribe*,' but we hear no more of tribes, till fifty pages farther onward we encounter the third tribe, *Amphibia*, which, however, is not called third, but is introduced simply thus, '*Tribe. CARNIVOROUS AMPHIBIOUS ANIMALS (carnivora pinnipedia).*' This method of arrangement, taken in good earnest, would actually include all the digitigrade animals, such as the weasel, fox, wolf, and cat, under the first tribe.

In the next order, *Glires*, a similar negligence occurs. This order is generally divided into two families, the charac-

ter of which is founded upon the clavicle, which is strong and powerful in one, and only rudimentary and imperfect in the other. The first of these is announced in its proper place, but is styled *section*; another term to express a division corresponding to those, which had been before introduced under a different name. Of the second we discover no intimation, although two genera are described, which are properly comprehended under it.

These are instances of carelessness, which ought not to have been suffered to appear in a scientific work, professing to remove confusion, correct errors, and supply deficiencies. They are so palpable, indeed, that were they not so numerous, one would have attributed them to inaccuracy of the press. There are others relating to the more minute details of this book, a few of which only can be noticed. The genus *Phoca* affords a memorable example of the loose and incomplete manner, in which the author treats his subject. This genus, it may be proper to premise, has been subdivided by Peron into two subgenera, one of which retains the denomination *Phoca*, the other has received that of *Otaria*. Dr Harlan gives in the first place five dental formulæ, but without the smallest intimation of the purpose for which they are introduced; no use is made of them, no subdivision founded upon them, they have nothing to do with the two subgenera; they correspond to nothing which he has given us with regard to any other genus, except perhaps *Vespertilio*, which, as we have seen, is far from being so full of light, as to be able to impart any. Having described the genus, the subgenus *Phoca* is announced, which is numbered 1, and its character given. Then follow six species numbered from one to six, the sixth of which belongs to the subgenus *Otaria*, and is named *Otaria* with *Phoca* as a synonym, whilst the notice and character of subgenus 2, which should precede it, are omitted. What makes the matter worse is, that in the next sheet, into which the account of this genus extends for a few lines, a note is appended, containing the notice and character of *Otaria*, omitted in its proper place, a notice which no one would comprehend, who was not already acquainted with the history of the genus. The perspicuity, moreover, of a work of science should not depend upon the contingency of the au-

thor's perceiving his errors and omissions, in season to correct them in the next proof.

Several errors occur in the arrangement of the names and synonyms of genera and species, which render it uncertain, what the name of the genus or species in question is really intended to be. Thus, under the genus *Procyon*, we find the species *Ursus lotor*; under *Taxus*, *Meles labradorius*; under *Rytina*, *Stellerus borealis*. This is explained by stating, that, in the first case the synonym of the species is placed instead of the name, the name being among the synonyms, whilst in the second and third the same mistake occurs with regard to the synonym of the genus. This at least appears to be the explanation. There are errors of a different kind in the names. Thus, we have a genus called *Taphozous taphiens*, the French name, (les Taphiens) or the name of another genus having crept in by accident. The genus *Felis* is styled, 'Cat or *Felis*;' and in the same way we have 'Pecari or *Dicotyles*,' and 'Cachalot, *Physeter*.'

The style of Dr Harlan's work is loose, and indicative of haste and want of revision. Two or three examples will explain our meaning.

'The above *description*,' says the author, 'is taken principally from a prepared specimen in the possession of Mr C. Bonaparte, and *was killed* on the Blue Mountains, in the state of Pennsylvania.' p. 198. 'The *plane* of the occiput represents a *semicircle*.' p. 273. 'We are credibly informed by an *eyewitness of the fact*, that the Norwegian rat *did not make its appearance* in the United States, any length of time previous to the year 1775.' p. 149.

We intended to make a variety of other criticisms, both in matters of science and language, which are omitted, because, as it is impossible to notice them all, it is sufficient to have introduced enough to justify the opinions we have expressed. The work is, in fact, so constantly disfigured by instances of looseness, carelessness, and inaccuracy, as to destroy confidence in the fidelity of its execution. The author is evidently not deficient in knowledge of natural history; his errors have mainly arisen, as it appears to us, from the inconsiderate haste with which his work has been written, and hurried through the press. As further proofs of this haste, it may be stated, that Dr Harlan has inserted in his *Addenda*,

the description of a number of species, discovered by Messrs Lewis and Clarke, and described in the account of their Expedition up the Missouri many years since, a work to which he repeatedly refers in the body of his book ; and that, for the descriptions of nearly all the species of the last genus in the volume, *Balæna*, he refers us to *Bonnaterre's Cétologie*, instead of translating or abridging these descriptions, a task of which he has not been in other places very sparing.

There is almost a total want in this work of that mechanical assistance, which may be derived from a skilful application of the mode of printing, to the illustration of the details of natural history, Of the advantages which proceed from this source, even Cuvier has not disdained to avail himself in his great work, upon the classification of the animal kingdom ; and whoever has had occasion to consult it must have perceived the immense facility, which is thus afforded to the student. It is only to appropriate a particular type to the names, and to the descriptions appertaining to each division and subdivision, and the eye catches at once the relative importance and extent of what relates to each. This mechanical aid should never be forgotten ; it is of no trifling assistance even to the most experienced naturalist. But in the *Fauna Americana*, with a few exceptions, both titles and text are in the same dead unvaried type ; the former in italics, the latter in roman ; so that the clumsy expedient is adopted, of repeating the words genus, subgenus, and species, whenever these divisions occur.

It will be observed upon reference to the catalogue, on a preceding page of this article, that among the animals of North America, Dr Harlan has inserted a considerable number of fossil species. In fact, the whole of those of the order *Edentata*, and all but one of the indigenous animals of the order *Pachydermata*, are fossil. The results which have been obtained, by the investigations of some European naturalists into the characters of fossil bones, have something in them grand and imposing. With regard more particularly to those of Cuvier, there seems to be no reason to doubt that the conclusions, at which he has arrived, possess all the certainty of which the subject is capable. The facilities afforded by his situation for the pursuit of this branch of study, the extent of his attainments in the comparative anatomy of living animals,

and, with all this previous qualification, the slow, cautious, and deliberate manner in which he comes to results, give him strong claims to our confidence. Yet it is hard to go along with him when he expresses his belief, that from the smallest remaining bone of any animal, it is possible to determine not only its order, but its genus and species; in short, to reconstruct its whole anatomy; just as it is possible for the mathematician, from any given equation of a curve, to demonstrate all its properties. That there is such a relation between the parts of the body of every animal, as is asserted by this distinguished anatomist, and that the peculiarity, which every species exhibits as a whole, is also impressed upon even the most minute part of its fabric, may be readily admitted, but that this character is cognisable in the fang of a *cuspidatus*, the smallest bone of the tarsus, or one of the extreme phalanges, exceeds our belief. We cannot forget, in expressing this opinion, the mistake of a European anatomist, second to but few of his time, who, in examining some fossil bones, placed an important fragment of the head in a reversed position, and thus gave an entirely new face to the animal. It would not be passing strange, could these antediluvian quadrupeds rise up in judgment against the philosophical disturbers of their remains, if they should exhibit metamorphoses, wrought by the hand of science, extremely inconvenient, and somewhat inconsistent with their former habits. The mammoth, perhaps, might not be sufficiently grateful to anatomists for the elephantine proboscis, so generously bestowed upon him; and the megalonyx might very reasonably prefer ranging the woods, a ferocious and majestic beast of prey, as Mr Jefferson describes him, to a life of idleness and inactivity, under the very different character of the three toed sloth of the antediluvian world, according to the award of Cuvier.

Seriously, we think that the splendid discoveries, which have resulted from the extraordinary attainments of the French anatomist, and we would not speak of them except with respect and confidence, are likely to lead others into very imperfect and crude speculations upon fossil bones. We do not object to the description of all such remains fully and accurately, in connexion with the description of the living animals of the country where they are found. This is proper, and indeed highly important and interesting. But we do

strenuously object to their erection into genera and species, except upon the most undoubted authority, and to their being thus unceremoniously embodied in the natural history of a country. Too much doubt must hang over the conclusions at which most naturalists arrive, on such points, to admit of so decided a step as this. Dr Harlan has thought otherwise. He has seen fit, upon the authority of a mutilated skull, found on the shore of the river Delaware, to erect a new genus, *osteopera*; and upon no better foundation, than a single molar tooth, exhumed in the western part of our country, has built a new extinct species of Tapir, which he has had the satisfaction of christening with his own hand. Farther than this; Dr Wistar, in a paper read to the American Philosophical Society, described certain fossil bones, presented by Mr Jefferson, which he believed to belong to species of the genera *Cervus* and *Bos*, but modestly forbears to systematise them. Our author has done this office for these neglected reliquæ, and they accordingly figure among the mammalia of the United States, as the *Cervus Americanus*, *Bos bombifrons*, and *Bos latifrons*, all 'nobis,' which last term, as some of our readers may need to be informed, signifies that the genus, or species, after which it is inserted, has been constituted and named by the naturalist in whose work it appears.

The consideration of this subject suggests another, which is of importance to the accuracy and soundness of American natural history. We mean the growing propensity of naturalists to construct new genera and species. This disposition is unphilosophical and productive of confusion. It is a departure from the true spirit of scientific investigation. It is not so easy a matter for men, of even good attainments in natural history, to determine whether a species has been before described and named, or not. So imperfect are the short descriptions which are often given, so loose and vague is the language of too many naturalists, so extremely difficult indeed is the task of clear description, and so few are there who perform it well, that the identification of a specimen with any known species or genus, is frequently a difficult task, and we should be very cautious in concluding because we cannot identify it, that it is therefore something new. The creation of a new genus in natural history is a weighty matter; it should not be lightly done, it should not be soon done; the



subject should be left for repeated consideration and consultation, and should not be ventured, except with the concurrence of more than one skilful naturalist, unless it be by some one whose attainments in science give his opinion weight and authority.

Much less importance is to be attached to the introduction of a new species, and still this requires far more hesitation, than most naturalists seem to feel. At any rate, it is not a matter which demands extraordinary haste. No particular evil results, if the animal in question goes without a legitimate name for a few short months. It is certainly a less evil, than that it should be taken for a new species, when it is in reality an old one, and be thus made to undergo the process of nomenclature a second time. Every new name, it must be recollected, contributes to swell the list of synonyms, already the burden of natural history. But it is the foible of scientific men, at the present day, that they are more anxious to make and promulgate discoveries, than to search out the truth. Some naturalists pride themselves vastly more upon having been the authors of new genera and species, than upon describing with accuracy those already known, ascertaining more exact marks of discrimination between them, or illustrating their character and habits; and yet he performs a far less useful service to science. We repeat, that the task of determining the character of an animal is by no means an easy one, and can be performed by few men with certainty.

Naturalists, of no mean celebrity, do indeed differ essentially in the conclusions at which they arrive, with regard to the same animal, even when possessed of equal means of judging, and equal qualifications. The simple inspection of any work of natural history is sufficient to show us, what confusion and uncertainty are introduced, by this proneness to making discoveries, and this overweening love of the fascinating pronoun *nobis*. The existence of this difficulty, and the obscurity consequent upon it, are admitted by the most eminent naturalists. It is remarked by Cuvier, that in the course of his investigations, he has sometimes found a single species, representing, by means of synonyms, several animals, so different frequently, that they did not even belong to the same genus; and sometimes, on the other hand, the same animal, reappearing in several subgenera and genera, and

even in different orders, as a distinct one. 'We have here an animal,' says Dr Harlan, speaking of the Rocky Mountain sheep, 'described for the first time in 1816, which has already been classed under four distinct genera, with nearly as many specific appellations.' To mend the matter, Dr Harlan places it under a fifth genus. For the pronghorned antelope, an animal of recent discovery, we have no less than half a dozen different names.

We cannot close this article, without expressing regret and strong disapprobation, at the manner in which are written two long notes in Dr Harlan's book, (pp. 140, 143,) concerning certain differences into which he has unluckily fallen with other naturalists, in describing and naming some species of the genus *Arvicola*. The contest maintained in these notes is quite below the dignity of science. With whom the fault rests, it is not for us to inquire, but we feel justified in saying, that, when personal jealousy is allowed to have an influence in constructing new genera and species, and when *nobis* is arrayed against *nobis* with an air of triumph, no good hope remains for the accuracy of investigations thus pursued, nor for the aid they will lend to the progress of genuine science.

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ART. VII.—*Report of the Committee of Foreign Relations, of the House of Representatives of the United States, to which were referred the Memorials of certain Merchants, praying Relief for Losses sustained by French Spoliations. 1824.*

THE claim of the citizens of the United States for French spoliations, is one of immense amount. Studious to avoid exaggeration, and to reduce our statements even within the severest truth, we rated, in an article in our last number, the whole amount of American claims for foreign spoliations of all kinds, at twenty millions of dollars. Our readers will probably think we greatly erred on the side of moderation, when it is recollected, that Messrs Pinckney, Marshall, and Gerry, in 1799, stated the claim for French spoliations alone

at fifteen millions, and that it has been sometimes computed, that, under the French imperial decrees, over fifty millions of American property were confiscated. If these estimates be thought extravagant, our own will be allowed to be exceedingly modest.

In our last number, we gave a very brief sketch of one portion of the French claims. Those claims may very suitably be divided into two general classes, those arising out of spoliations and other sources, prior to the Louisiana Convention in 1803; and those subsequent to that period, growing out of the outrages exercised upon our commerce, under the renowned imperial decrees. The state and prospects of these two sorts of claims are entirely dissimilar, and they will therefore require to be separately treated.

The few remarks which we made, in the article above mentioned, were confined to the claims of the first class, being such whose obligation is alleged by the claimants, to have devolved upon their own country, in consequence of a voluntary renunciation of them by the government of the United States, on behalf of its citizens, in consideration of certain renunciations made by the government of France, of political claims upon the United States. Having in our former remarks, for the sake of brevity, treated this claim as one, without distinctly severing from each other those portions that were, and those that were not, provided for by the Louisiana Convention, we shall now, for the sake of clearness, consider each class separately; a course of proceeding dictated by the very different ground, on which the two classes have been made to stand, by the measures pursued for their recovery.

We shall now consider the claims, which were excluded from the Louisiana Convention; and briefly relate the history of the manner, in which they arose, were prosecuted, and renounced. By the treaty of commerce and amity, concluded between the United States and France, in 1778, the principle of *free ships free goods* was solemnly recognised in the twentythird article, and an undisturbed liberty of trading to the enemies of either party, was respectively stipulated to each other by the United States and France. In violation of this article of the treaty, then in force, on the ninth of May 1793, the French National Convention passed

a decree,\* declaring enemy's goods on board neutral vessels lawful prize, and directing the public and private armed vessels of France, to bring into port neutral vessels laden with provisions, and bound to an enemy's port.

On the appearance of this decree, Mr G. Morris, then our minister at Paris, remonstrated against it, and so far prevailed, that the National Convention, on the twentythird of the same month, declared, 'that the vessels of the United States are not comprised in the regulations of the decree of the ninth of May.' In communicating this gratifying declaration to Mr Morris, the French minister for foreign affairs, le Brun, observed, 'You will there find a new confirmation of the principles, from which the French people will *never depart*, with regard to their good friends and allies, the United States of America.' This letter of le Brun's was dated May 26th; and on the 28th of May, the declaration communicated in it was *revoked* by the National Convention! Such was the levity of that atrocious assemblage. The truth was, the owners of a French privateer, having captured a very valuable American ship, the Laurens, bribed the leaders of the Convention to rescind, on the twentyeighth, the declaration which they had made on the twentythird, and which the minister of foreign affairs had communicated to Mr Morris, on the 26th of May. So little disguise was necessary in these affairs, that the owners of the privateer boasted beforehand, that the declaration of May 23d would be rescinded.

Mr Morris again remonstrated and with success. On the first of July the Convention revoked their last order, and again liberated the commerce of the United States, from the operation of the original decree of May 9th; and this revocation was declared to be made, in conformity with the provisions of the treaty of 1778. M. Desforgues, who had succeeded le Brun, as minister for foreign affairs, in communicating this revocation to Mr Morris, observes, 'I am very happy in being able to give you this new proof of the paternal sentiments of the French people for their allies, and of their determination to maintain, to the utmost of their power, the treaties subsisting between the two republics.' In twenty-seven days this last decree was repealed. We would here

\* See the decree at large, in Wait's State Papers, III, 42.

notice an oversight of the Committee, who made the report of April, 1802. They state, that 'the decree of May 9th, after having been several times repealed and reenacted, was finally repealed on the 27th of July following.' Far otherwise. The decree of May 9th, after having been twice revoked, was finally restored, in its application to American vessels, July 27th, in permanent violation of the twentythird article of the treaty of 1778. The only relaxation made, was the exemption from capture of American vessels, bound with provisions to an enemy's ports.

In the course of the years 1793 and 1794, a new source of injury arose, in a long and distressing embargo at Bordeaux. A list of one hundred and three American vessels detained under this embargo, to the incalculable detriment of the property embarked in them, was drawn up by Mr Skipwith, on the 20th of November, 1795. As the claims for indemnity, for losses sustained by this embargo, formed a portion of those provided for by the Louisiana Convention, no further account of them would be here in place.

The number of American vessels seized and sent into France, under the decree of May 9th, 1793, or detained by the embargo, or in other ways, was so great, that Mr Monroe, who succeeded Mr Morris, was led to constitute Mr Skipwith a general agent, for collecting and presenting them to himself and the French government. In the performance of this duty, an amount of injury and outrage inflicted by France, on our commercial interests, was disclosed, which can now scarcely be credited. Mr Skipwith drew up a report, bearing date October, 1794, and addressed to Mr Monroe. After observing, that he has not as yet received from the consuls all the documents, necessary for presenting a full view of these injuries and outrages, he adds, 'from the communication, however, already received from the different ports, and from the information I have collected from the captains present, I can assure you there are near three hundred sail of American vessels, now in the ports of France, all of whom have suffered, or are suffering, more or less delay and difficulties, of which the examples annexed will afford you a general view.'

Mr Skipwith then proceeds to enumerate and classify the modes and forms of the oppressive treatment, imposed upon the Americans, and names first,

‘The capture *indiscriminately* of our vessels at sea, by the vessels of war of the republic.’

A copy of this report, accompanied with documents illustrative of its statements, was laid before the French government, and produced a joint decree of the committees of public safety, finance, commerce, and supplies, dated November 15th, 1794. This decree\* revived and declared in force that of July 27th, 1793, above mentioned; it declared, that the principle of ‘free ships free goods’ should not be recognised in favor of the goods of any enemy, by whom it was not also recognised. It provided for the compensation of losses sustained by neutral vessels, in consequence of the embargo at Bordeaux, and for the payment of supplies furnished by Americans to St Domingo. The satisfaction yielded under these two last heads was partial, inadequate, and attended with great delay, while the provisions of the decree perpetuated some of the most serious violations of the treaty of 1778. This being the subject of continued and persevering complaints, made on behalf of our merchants, on the 4th of January, 1795, the committee of public safety repealed those parts of the decree of November preceding, which violated the treaty of alliance. The leaders in France, at this time, appear to have felt a wish to conciliate America, and such were the advices from our minister there, that General Washington, in his message to Congress, February 28th, 1795, † makes the following statement. ‘Our minister near the French republic has urged compensation for the injuries, which our commerce has sustained from captures by French cruisers, from the nonfulfilment of the contracts of the agents of that republic with our citizens, and for the embargo at Bordeaux. He has also pressed an allowance for the money voted by Congress, for relieving the inhabitants of St Domingo. It affords me the highest pleasure to inform Congress, that perfect harmony reigns between the two republics; *and that those claims are in a train of being discussed with candor, and of being amicably adjusted.*’

In fact, as we have observed, the republic, at this time, seems to have been disposed to act with justice. Mr Skip-

\* It may be found in State Papers, III, 53.

† Wait's State Papers, X, 402.

with was incessantly employed in prosecuting the various classes of claims, and large sums of money were actually paid, partly in specie, and partly in *assignats*, to our ship-masters and merchants.\* Had the sums of money, thus appropriated, been promptly applied to a liquidation of each case of injury as it accrued, it is not impossible that they might have covered no small portion of what was due. The cruel delays, the subsequent destruction of perishable cargoes, the rotting of vessels at the wharves, the rapid depreciation of paper, produced the unfortunate result of a large provision made by the French, with very little benefit to the claimants.

The friendly disposition of the French government invariably fluctuated, with their political prospects. The success of Bonaparte in Italy, raised the crest of the conquering republic, and in the course of the year 1796, the old causes of complaint were revived, and new ones added. On the 2d of July, 1796, the favorable decree of January, 1795, was repealed by a new decree of the following purport, 'that all neutral or allied powers shall without delay be notified, that the flag of the French republic will treat neutral vessels, either as to confiscation, as to searches, or captures, in the same manner as they shall suffer the English to treat them.' Under color of this decree, the most wide spread devastation was let loose upon our commerce.

The subordinate agents of the Directory were forward to emulate the example of the government at home. On the 1st of August, 1796, Victor Hugues and Lebas, special agents of the Directory to the Windward Islands, made a decree, that all vessels loaded with contraband articles, were liable to seizure and condemnation, without making any discrimination in favor of those which might be bound to neutral, and even to French ports. The manner in which this and other similar decrees were enforced, was, if possible, more oppressive, than the decrees themselves. All legal forms were disregarded, and the mode of proceeding was reduced to the exercise of brute force. One example may suffice. The *Patty* sailed from New London on the 31st July, 1795, (of course before the decree last mentioned was made in the

\* The document marked D, State Papers, III, 56, will sufficiently illustrate this remark.

West Indies, to say nothing of being known in America,) bound to St Barts. On the 2d of September, the vessel was captured by a French cruiser, and carried into Guadeloupe. The captain was taken before Victor Hugues, whose first words, accompanied by his fist thrust into the captain's face, were, 'I have confiscated your vessel and cargo, you — rascal.' Three days after, the captain inquired of Victor Hugues when his vessel and cargo would be tried; and the answer was, they had already been tried, and the captain might go about his business. The captain afterwards received a certificate of his trial and condemnation; but in many cases even this poor favor was insultingly refused; and our unfortunate ship masters, ignorant of the language, without friends, beset by the harpies of office, stripped even to their clothes, and often personally assaulted, were left to beg their way to some neutral island, before they could even make their protest.

These crying insults seemed to grow into a sort of pastime, with the petty tyrants of the day. On the 27th of November, the same year, another decree was passed by a new set of commissioners to the Windward Islands, which ought to be quoted entire.

'The Commission resolves, that the captains of French national vessels and privateers, are authorised to stop and bring into the ports of the colony, American vessels bound to English ports, or coming from the said ports.'

'The vessels, which are already taken, or shall be hereafter, shall remain in the ports of the colony, till it shall be otherwise ordered.'

'At the Cape, the 7th Frimaire, in the fifth year of the French republic, one and indivisible.'

'Signed on the record of the procès verbal; Leblanc, president; Santhonax, Raimond, commissioners; Pascal, secretary general.\*'

This most extraordinary violence was not confined to the petty tribunal, from which the decree in question was issued. Captures were made by the French privateers, in Europe, on the ground that all American vessels coming from, or bound to England, were good prize, and the French consul at Cadiz avowed his determination to condemn them, appealing to the decree of the Directory of July 2d, 1796, for his warrant.

\* State Papers, III, 55.



On the 5th of February, 1797, another decree of Hugues and Lebas authorised the capture of all neutral vessels, destined to any of the Windward or Leeward Islands, in America, which had been delivered up to the English, and occupied or defended by emigrants, viz; Martinique, St Lucie, Tobago, Demarara, Berbice, and Essequibo, for the windward isles; and Port au Prince, St Marc, L'Archaye, and Jeremie, for the leeward. All vessels sailing to and from any of the islands, are, with their cargoes, declared good prize by this decree, as well as all vessels, 'which shall have cleared out under the *vague* denomination of the *West Indies*.\*

On the 2d of March, 1797, the Directory issued a decree, prefaced by a laborious preamble, in which almost all the previous oppressive regulations were reenacted, and new and exceedingly injurious ones added, especially that notorious one relative to the *Role d' Equipage*, which swept so much of the remnant of our commerce from the seas. This decree formally declared, that the treaty of 1778 should be modified, in conformity with the provisions of Jay's treaty with England; in other words, that, in some of its most characteristic features, it should be annulled.

The manner in which this, as well as all the other decrees, was enforced, added much to its severity. It was not merely applied from the date of its publication, but a retrospective action was given to it, against American ships, which had previously, on any other pretence, or no pretence, been sent into France. The number of vessels captured, under this last decree, was very great. Between August, 1796, and June, 1797, according to a list prepared for the Philadelphia Gazette, and probably not containing all the cases, three hundred and eight American vessels suffered under the illegal decrees of the French; the greater part of them after that of March 2d was issued. Not content with the comprehensive terms of the decrees, the French officers and agents subjected the captains and seamen to personal violence, in order to extort from them, by extreme pain, testimony that would condemn their vessels. Mr Rufus King, then, as now, our minister to London, in a letter bearing date April 19th, 1797, mentions the case of Captain Martin, of the *Cincinnati* of

\* See the Decree; State Papers, III, 32.

Baltimore, who was taken on board the French cruiser that had captured his ship, 'and tortured for more than three hours,' to induce him to make such declarations, concerning his ship and cargo, as would procure their condemnation. 'Captain Martin's thumbs,' adds Mr King, 'which I examined, bear the marks of the screws, and the scars will go with him to his grave.'

In the decrees, of which we have now enumerated the chief, and in captures, seizures, and spoliations, committed by the French cruisers on American vessels indiscriminately, without the authority even of these decrees, such as it was, originate the claims we are now considering. They formed, of course, a standing subject of reclamation and of complaint, on the part of our successive Ministers to France, Mr Morris, and Mr Monroe; and they were to have been pressed by General Pinckney, had he been received by that government as Mr Monroe's successor. On the failure of his separate embassy, a commission of three envoys, Messrs Pinckney, Marshall, and Gerry, was sent to France; but, as is well known, this commission was not received by the Directory. The subject of the claims of our citizens on France, of every description, was particularly treated in their instructions; and after an enumeration of these claims, in their general nature and quality, it is observed in the instructions as follows; 'Although the reparation for losses sustained by citizens of the United States, in consequence of irregular or illegal captures or condemnations, or forcible seizures or detentions, is of very high importance, and is to be pressed with the greatest earnestness, yet it is not to be insisted upon as an indispensable condition of the proposed treaty. You are not, however, to renounce these claims of our citizens, *nor to stipulate that they be assumed by the United States, as a loan to the French Government.*' This last clause referred to a proposal, already made by France to our government, and repeated in one of the unofficial communications of the emissaries of Talleyrand with our envoys, that the United States should assume this debt as a loan to France.\*

During their residence in France, though not received by the Directory in an official character, our envoys addressed

\* State Papers, IV. 12.

a most able memorial to the French minister, in which they divide the American claims into two classes. The first consists of such, as are uncontroverted by the French Government, and are substantially those provided for by the Louisiana Convention. After enumerating the varieties of claims in this class, our envoys add, that 'they pass to complaints still more important for their amount, more interesting for their nature, and more serious in their consequences,' viz. the spoliations under the various decrees of the French Government, issued in violation of the treaty of 1778, and of the law of nations. It is worthy of particular notice that, under the head of claims uncontroverted by France, are those for captures under the decree of May 9, 1793.

In a conversation between Talleyrand and our envoys, detailed in the journal of the latter,\* the French minister endeavored to induce our envoys to assume the claims of our citizens, as a loan to France, remarking that they 'had claims on the French Government for property taken from American citizens. *Some of those claims are probably just.*' In the negotiation of Talleyrand with Mr Gerry, after the departure of the other ministers, a negotiation which may be called official, the French minister thus expressed himself. With respect to 'the claims of American citizens on the French republic, if the latter should not be able to pay them when adjusted, and the United States would assume and pay them, France would reimburse the amount thereof;† and, in this proposal, Mr Gerry expresses the opinion, that Talleyrand was sincere.

The manner in which the embassy of the three envoys terminated, and the appointment of another, the following year, are too familiar to be dwelt upon. The instructions to the second commission, consisting of Messrs Murray, Ellsworth, and Davie, have not been made public. They form a part of the papers, whose communication was asked by the Senate and House, at the close of the first Session of the eighteenth Congress, and then delayed on account of their voluminousness. As the state of things, with respect to the claims, was not at all changed, since the instructions of Messrs Pinckney, Marshall, and Gerry were drawn up, it is highly probable

\* State Papers, IV. 89.

† State Papers, IV. 160.

that the same instructions were given to Messrs Murray, Davie, and Ellsworth; that they were directed to press the claim as of high importance, by no means to renounce it, but not to make it a *sine qua non* condition of the treaty to be negotiated.

The new American Commission found a new government in France. The result of the negotiations of our envoys was the Convention of 1800. The second article of that Convention is in the following terms; 'The Ministers Plenipotentiary of the two parties, not being able to agree, *at present*, respecting the treaty of alliance of 1778, and the treaty of amity and commerce, of the same date, and the Convention of November, 1788, nor upon the indemnities mutually due or claimed; the parties will negotiate further on these subjects, at a convenient time, and until they may have agreed upon these points, the said treaties and Convention shall have no operation.'

The fifth article provides for a liquidation of debts between the two countries, as if no misunderstanding had happened; but this provision was not to extend to indemnities claimed for captures and confiscations.

The Convention was sent to the United States, and ratified in the Senate, with the exception of the second article, which provided for further negotiation on the indemnities mutually claimed or due.

In this form the Convention was returned to France, and Mr Murray was immediately interrogated by the French Government, as to the motives of the American senate in expunging the second article. As Mr Murray's correspondence has not been officially communicated, his statements to the French Government, on this subject, are not certainly known. He is understood, however, to have accounted for the expunging of the second article, from the wish of the Senate to preclude any future standing subject of contention between the two governments, such as a reserved negotiation of this kind would be. The French Government are supposed to have stated, that a simple omission of the article, unaccompanied by a mutual renunciation, would operate to their prejudice. The claims of France on America rested on the provisions of the treaty of 1778, and the Consular Convention of 1788. These treaties ceasing to exist, France

would lose all claim on America ; whereas the American claims having a basis, not only in the treaty, but in the law of nations, would still lie against France. To avoid this disadvantageous result, the French Government is understood to have proposed this alternative ; either to omit the second article, accompanying the omission with a mutual renunciation, or to abandon the Convention entirely, and to leave the treaty of 1778 in force. Our minister accepted the former part of the alternative, and the treaty was ratified by Bonaparte, as First Consul, omitting the second article, with a note attached, declaring that this omission was considered by the parties, as a mutual renunciation of their claims. The Convention came back to the United States with this conditional ratification, and on the 19th of December, 1801, the Senate resolved, 'that they considered the same Convention as fully ratified.'

With respect to the claims of France on America, which are brought forward as an offset to the claims of America on France, a full idea of them cannot be obtained, without perusing, in the State Papers, the correspondence between the several Ministers of the French Republic in America, with our government here ; the Reports made by the American Secretary of State upon this point ; the correspondence of the American Secretary with General Pinckney, and the memoir addressed by Messrs Pinckney, Marshall, and Gerry to Talleyrand. The two gravest matters in controversy, however, can be specified in a word, the guaranty of the French possessions in the West Indies, and of aid to be rendered France by America in defensive wars ; stipulated by the treaty of 1778, and the privileges claimed by France for her consuls, under the Consular Convention of 1788. By the guaranty, America was unquestionably bound to France, to an extent indefinite and uncertain, but calculated to be very onerous. The extent of this obligation may be partly estimated, from that clause in the instructions of our government to Messrs Pinckney, Marshall, and Gerry, which authorised them to propose to the French Government, in time of war, an annual subsidy of two hundred thousand dollars, in lieu of a specific fulfilment of the guaranty. Considering this as the voluntary offer of our government, and also bearing in mind the odious nature of a subsidy in the estimation

of a people like the American, it is easy to infer that this treaty of 1778, was regarded as a very heavy burden by our statesmen. The editor of the edition of the Laws of the United States, whose exact acquaintance with our political history is apparent throughout the work, in a note subjoined to the Convention of 1803, after sketching the history of our relations with France, adds, 'by that Convention, (of 1801,) among other things, the United States were exonerated from the weighty responsibility imposed, by the treaty of alliance of 1778, of a guarantee of the French possessions in America.'

Such, therefore, was the mutual renunciation, on the part of the United States and France. The latter renounced her claim upon the United States, for the fulfilment of the stipulations of the treaty of alliance, and for indemnity for injuries alleged to be sustained by France, from the failure of the United States of America to fulfil those stipulations, and also from the alleged inexecution of the Consular Convention of 1788. The United States renounced the claims of her citizens, for spoliations and injuries, under various decrees of the French Government, issued in violation of the treaty of 1778, and of the law of nations.

We shall now pursue briefly the history of the manner in which the citizens of the United States, whose claims were renounced by their own government, in consideration of a great national and political object, have sought relief and indemnity.

The year after this Convention was ratified, viz. in 1802, sundry citizens and claimants, whose rights were affected by it, applied to Congress for relief. Their memorials were referred to a committee, who made an elaborate report, consisting chiefly of an enumeration of the violent and illegal decrees of the French; of the measures adopted by our government to procure or enforce redress; and of the negotiation of the Convention of 1800. After going through this historical detail, the report of the committee closes with the following paragraph,—

'It appears, that the exclusion of the second article of the Convention was considered as a renunciation of the indemnities, claimed by the citizens of the United States of America, for spoliations and depredations upon their commerce, so far as the government might

otherwise have been instrumental in obtaining such indemnities. Upon the whole view of the case, the committee submit it to the House to determine, whether the government of the United States be, in any respect, bound to indemnify the memorialists; and whether there be any ground for discrimination between the cases of losses sustained before the Acts of 28th of May, 1798, the 7th of July, 1798, and the 9th of July, 1798, and cases of losses sustained after those periods.'

The acts of Congress here alluded to, are those authorising the capture of French vessels of war hovering on our coasts, and repealing the treaty of alliance of 1778. Their bearing on this question will presently be the subject of a few remarks.

It will be perceived, from the paragraph we have cited from the report of the committee, and which is the only portion of the report from which the judgment of the committee could be inferred, that the fact of the renunciation of these claims, by our government, is admitted. The committee add the qualification, 'so far as the government might have been instrumental in obtaining such indemnities.' But there is nothing, that we can perceive, in the facts of the case, to authorise this qualification. The renunciation is unlimited and unconditional. Our government renounced not only its own right to prosecute the claims, but the right of the citizens to prosecute them, on their own account. This report of the committee came before the House, was several times discussed, but never acted upon finally. Efforts were made to procure a resolution, providing for the indemnification of the claimants, and it is understood that the divisions of the House, on this question, were in a considerable degree in accordance with the grand political division of the parties. This was the unavoidable result of the state of political controversy in the nation. The late administration had gone out of power, under the stigma of attachment to England, and hostility to France. The claimants, in their declaration, were obliged to set forth and urge the aggressions of France, and this course of proceeding connected itself too directly with the general questions between the parties, not to produce a strong prejudice against the claim.

In the year 1807, the question was again brought forward by memorials from sundry claimants. These memorials

were referred to a committee of the House, whose brief report was decidedly in favor of the claimants. After referring to the report of the committee of 1802, the committee in 1807 proceed ;

‘ From a mature consideration of the subject, and from the best judgment your committee have been able to form on the case, they are of opinion, that this government, by expunging the second article of our Convention with France, of the 30th of September, 1800, became bound to indemnify the memorialists for those just claims, which they otherwise would rightfully have had on the government of France, for the spoliations committed on their commerce, by the illegal captures made by the cruisers and other armed vessels of that power, in violation of the laws of nations, and breach of treaties then existing between the nations, which claims they were, by the rejection of the said article of the Convention, forever barred from preferring to the government of France for compensation.’

‘ Your committee beg leave to decline giving an opinion on the precise time, when those claims ought to be commenced, or on the period for captures, after which the memorialists would not have been entitled to compensation from France, and of course cannot be entitled to indemnity from the United States.’

No relief to the claimants resulted from this report. The subject was revived in 1818, and as the act, by which the claimants were deprived of whatever remedy they could have had of the French government, was performed with the concurrence of the Senate, in the exercise of the treaty making power, memorials from Portsmouth, Philadelphia, Baltimore, and Charleston, were addressed to the Senate of the United States, and by them referred to the committee of claims, by whom an unfavorable report was made.

In 1822 an application was made by a few merchants of Baltimore, who addressed their memorial to the House of Representatives, in which body it was referred to the committee of foreign affairs. They reported against the claim, partly on general grounds, and partly on circumstances peculiar to the application in question.

Here it is possible all prosecution of the claims would have ceased, but for two considerations, calculated to stimulate the hopes, and to heighten the sense of wrong of the claimants. One of these considerations respected the *denouement* of the great tragedy of the French Revolution. It had always been



objected to these claims, that in renouncing them, the government of the United States renounced nothing of value. That the claim was worth nothing, because France would not have paid it; because, after a long and earnest negotiation, all that our commissioners could procure was a consent, on the part of the French, to negotiate further. While Bonaparte or his dynasty subsisted, this language was plausible, and every year rendered it more plausible. But an astonishing revolution had occurred; his throne was prostrated; and the ancient dynasty was restored, by the combined powers of Europe, under a pledge compulsory, if not voluntary, to pay the debts of France. Under this circumstance, claims of old and forgotten obligation revived, as from the dead. The losses of English travellers, in the most lawless periods of the Revolution, the losses sustained by payments in *assignats*, the nameless and numberless encroachments on property, which signalled that stormy and perplexed crisis in Europe, were all now sternly forced into the account to be liquidated. They had been liquidated and paid. Our citizens alone could not come, and thrust the sickle into this waving yellow harvest of indemnity; their claim had been renounced by their own government. Farther, the government of the United States very properly seized this moment to bring forward the claims for losses, under the continental system of Napoleon. These claims were, and still are, pressed upon France. They must, they will be liquidated. But the claimants under the old system of plunder and spoliation cannot come in; their government has renounced their claim.

To strengthen the feelings which this contrast excited, the Florida treaty had just been negotiated. The claimants for French spoliations had already seen themselves shut out from the provisions of the Louisiana treaty. They had seen a class of claims, certainly not so binding on the national honor to assert, provided for out of the purchase money of that western world. This postponement of their rights was now repeated upon them. By the Florida treaty, an indemnity was provided for claims, many of them as old as theirs, and few more pressing, and which had as long been prosecuted without hope, and against hope.

These facts produced no little sensation throughout the country, among those interested; and about fifty memorials,

in the Session of 1823, 4, were presented to the Senate of the United States. A step was thereupon taken by this body, which is certainly preliminary to a fair discussion of the subject in Congress, in all its bearings. A call was unanimously made on the President, for all the official papers bearing upon the case. Pending the result of this call, a few memorials were prematurely presented to the House of Representatives, and by them referred to the committee of foreign relations. Considering the train in which things were placed, this was an unfortunate occurrence for the claimants, and doubtless had its origin only in inadvertence. An unfavorable report was made by the committee of foreign relations; but the decision upon it gave way to a resolution for a call, similar to that which had already been made by the Senate.

The lateness of the period at which these calls were made, and the great quantity of papers embraced in it, led to a report of the then Secretary of State, in the month of May, 1824, that the communication of the papers asked for, must be delayed till the following Session. The following Session, that of the presidential canvas, passed off without a renewal of the call; and it remains for the succeeding Congress to pursue the subject, as they shall think expedient. It is not impossible, that such new lights will be thrown upon the subject, by the communication of the papers alluded to, before these remarks are published, as to destroy the little interest they might otherwise possess. Inasmuch, however, as a great mass of documents may possibly come before Congress, we have thought that an analysis of the claim, such as we have now given, would, in any event, not be without its value. We now proceed to examine a few of the arguments, by which these claims have been resisted, by three out of five of the committees to which they have been referred.

The first, and perhaps the most formidable, is, that the United States, after negotiating with France, among other things, on indemnity for these claims, as long as negotiation was of any avail, but entirely without success, resorted to war as the remedy. When such a proposition is advanced, the acts of Congress of 1798 are considered as creating a state of war, and the captures made by our armed ships as acts of war. This, however, can only be admitted in popular language. Strictly speaking, a state of war did not exist.

No declaration of war, the only instrument by which a state of war can be formally constituted, was made, either by the United States or France. No authority to make reprisals was given to our citizens, a mode by which a state of war is sometimes indirectly brought on. This is a circumstance of great moment in this argument, because it was by reprisals, that the suffering merchants might have had the opportunity of indemnifying themselves. No captures of merchant vessels were made by our armed ships, and none were authorised to be made. What then was done? Authority was given to capture the *armed* vessels of France, that might be hovering on our coast, that had committed, or were likely to commit, violations on our commerce; and to recapture our vessels, which had been seized by the French. On the part of the French, not even these measures were retaliated. They had probably never intended to drive us to war; and at this moment the Directory felt weak. They embargoed our ships, but issued no orders for acts of hostility, either on our armed or unarmed vessels. After a few months they went further, and ordered such intimations to be given to Mr Murray, our minister in Holland, as led to the despatch of the second commission, Messrs Murray, Ellsworth, and Davie, by whom a convention, not a treaty, was negotiated.

The mode, in which the affair was prosecuted, shows that peace was considered as not interrupted; the treaty of alliance of 1778 was recognised as still in existence; the French national vessels captured were restored, and those which we had destroyed, or otherwise disposed of, were paid for. It is true the treaty of 1778 had been formally repealed, or declared not to exist, by an act of Congress. But most of the claims of our merchants rest not on infractions of that treaty, but of the law of nations. The act of Congress could effect nothing against claims already existing, and this is by far the greater part of those in question. Besides, it may well be a question, how far Congress can, by a direct act of legislative power, annul a treaty so as to affect obligations arising under it. At all events, the negotiations recognised no such effect in this act of Congress; they regarded the treaties, both of 1778 and 1788, as in existence, till abrogated by the convention of 1801. In fact, the whole negotiation of the convention

proceeds on the ground, that though misunderstandings had arisen, a state of peace had never ceased to exist.

The other chief argument against the claim is, that, though the government renounced it, they renounced it only to the extent in which indemnity could have been obtained from France; and as any indemnity was hopeless, at the time the treaty was made, our government did no injury to our citizens by this renunciation. This argument appears to us abundantly objectionable, both in principle and in fact.

It is objectionable in its principle, which is, that the government has a right to take the property of the citizen, simply because it takes but a small amount. The value of these claims, at that moment, might have been small; but they were still the property of the citizen. The indemnity due was a *chose in action*, of which the assignable value might be differently estimated by different persons, and rated high by none; still, however, the claimants had a right to it themselves; and if the government, for political objects, chose to divest them of this right, it is bound to make them a recompense.

To this it may be rejoined,—granted, but this recompense must be measured by the value of the thing sacrificed; that value was null; therefore the recompense must be nominal. This course of argument, however, is still more objectionable than the preceding. The value of a claim on the government of a civilised country, a permanent debtor, not exposed to the fluctuations of private fortunes, a debtor which, if unprosperous this generation, may prosper the next, and if now administered by an unjust military power, may soon be administered by rulers professing to be actuated by justice; the value of a claim on such a government is not to be estimated at its zero, because at some particular moment it happens to be worth nothing. The claim in question must be estimated according to the probability that France, in the long run, will pay its just debts. If the government of our country, therefore, sacrifices the claims of its citizens, without any compromise with them as to their indemnity, it assumes, in honor and justice, the whole debt.

This is peculiarly true, when it is considered that the value of the claim depends almost wholly on the government itself. If the government shows a disposition to abandon it, and to

tolerate its nonpayment by the foreign government, the value of the claim will, by this policy, sink to nothing. But will it be honorable, when this is done, for the government, after renouncing this claim, to withhold all indemnity from our citizens, and say, it is true we sacrificed your claims, but they were worth nothing to you, and we owe you no recompense? Might not the claimants justly reply; it is true, at that moment our claim was worth little, but it was you who sunk its value. Had you thought proper to engraft it on the everdaring youth of the republic; had you told the French First Consul, that you would never renounce it, the rather as it was incurred under circumstances intimately affecting the American honor; that though you could not now enforce it against his colossal power, you would lay it up in your archives, to be reproduced when the arm of America should grow strong enough, to be lifted up with effect against the injustice of Europe, and still better, till France, the metropolitan region of civilisation, should again be governed by the principles of national justice; had you held this language, our claim would not have been worthless. - But to sink the value of our property, and then tell us it is nothing worth; what is it but to act over on a large national scale, that detestable villany of our bankrupt monied corporations, who buy up at a discount their own worthless rags?

But we deny that the argument in question is sound in fact. We deny that the claim was worthless. Had it not been renounced, it would have stood on the same footing as the claims of our citizens against France, for losses sustained under the continental system of Napoleon, and the decrees enforcing it. Are they worthless? Is that claim good for nothing, which our government, by the instrumentality of Mr Gallatin, and other able negotiators, has declared to be founded in justice, and one which it is incumbent on France to pay? Is the property of our citizens, after the government of the country has formally taken the protection of it into its own hands, not worth anything? For ourselves, we should be sorry to say, that even in the hands of individual citizens, a claim on the justice of a government, like that of France, is worth nothing. But when our government has taken it up, and has instructed its ministers to assert its justice, then to say that it is worth nothing, is to say that our govern-

ment either cannot, or will not, procure its citizens justice. For ourselves, we believe that it both can and will, and we have no doubt the course it is pursuing will ultimately succeed. The French ministry have professed a willingness to examine the claim, and to settle an account with this country. They have indeed endeavored to clog the subject, by connecting it with absurd pretensions to privileges at New Orleans. But they have not shut their ears totally against it; it must, it will be recovered. But for the renunciation by the Convention of 1801, the claims in question would have formed a part of the general claim against France; for no one will say, that the present government of the country is not bound as much to make compensation for one, as for the other. The claim is against France; and France is as much accountable for the acts of her rulers from 1793 to 1800, as from 1805 to 1814.

Again, the claim was valuable, considered as a part of one large claim, a portion of which was actually, in two years, provided for. Up to 1800, no discrimination had been drawn between the different grounds, on which our citizens laid claim to indemnity. The merchant, whose property had been seized under an illegal decree of the National Convention, of the Directory, or of the special agents for the Windward Isles, was considered to have as good a claim on France, and to the aid of his own government in enforcing it, as the citizen whose vessel had been embargoed at Bordeaux, or who had made a contract with the French government for supplies, for which payment was withheld. The only difference in the cases was one strongly in favor of the former claim. The American citizen, who voluntarily makes a contract with a foreign government, has no claim on his own to go to war to protect him. But the citizen, who, lawfully pursuing his commerce on the high seas, is, in violation of the faith of treaties, and of the law of nations, arrested by the cruisers of a foreign power, acting under decrees as offensive to our national honor, as they are oppressive to private rights, is entitled to the national protection; his claim is strongest, by all the obligation which the government of the country has, to vindicate its honor and the inviolability of its flag. Accordingly, Messrs Pinckney, Marshall, and Gerry, after recapitulating the claims of a private nature, pass to those for

spoliations, as of far greater importance. And yet by the Convention of 1800, the claims for spoliations were renounced, and the private claims reserved; and, by the Louisiana Convention, provision was made for the payment of the latter. Now, could not the claimants for spoliations reasonably insist, that while the private claims were so valuable, the public ones, those for whose payment the honor of our government was concerned as much as that of France, should never be abandoned, nor sacrificed without an equivalent? Was it not reasonable, that if France had been brought to pay one part, she would sooner or later pay the other? And do we ascribe a becoming language to our government, when we represent it as saying to the claimants for spoliations, 'We have insisted, that the private debts of the French Government to our citizens shall be paid, but for the losses sustained under decrees affecting our national rights and sovereignty, we can and will do nothing for you.'

Again, let us consider the case of the Spanish claims. Who, in 1800, would have thought of preferring the Spanish claim to the French? Supposing their foundation in justice to be equally good, which no one will controvert, who would not have sooner expected justice from France than Spain; or rather, considering the relations of the two countries with each other, who would have expected any better result than that, whenever France should pay us, Spain would imitate the example? But yet, in the course of events, the Spanish claim has proved good; our government kept a protecting hand upon it, and in the end has succeeded in negotiating a treaty, by which it secured not only an ample indemnity to the claimants, but a great national object, second only in importance to the acquisition of Louisiana. With what reason then can it be urged, that a claim on France was worthless, when one on Spain has been liquidated almost at par?

It will be replied, perhaps, that the claim on Spain was always good, because there were vast Spanish possessions on our southern and south-western boundary; all Florida and Louisiana; out of which we might, in the last resort, take our indemnity, if we could get it in no other way; while France had no possession on which we could lay our hand. This, however, is arguing only from the position of things at the moment, without taking into view the astonishing mutabi-

lity of human affairs. It needs not be said, that to the eye of the statesman, no important political step would ever be contemplated, on the assumption that France had no territory in our vicinity. The monuments of French power and enterprise which encircle us, as with a belt, from Nova Scotia to New Orleans, would present themselves to his mind, and warn him that what had been might again be; while the shifting spectacle of every part of the world would confirm the truth, that nothing is more familiar in the political system, than a change of sovereignty in colonial possessions. How, in fact, can a suggestion now be plausibly made, that this claim was worthless, because France had no adjacent territories, which we could appropriate to ourselves, when it is considered that the very day after the Convention of 1800 was signed, France actually became possessed of territory on the American continent, more than equal to the whole of the United States, and that she was ready to cede this territory, and did cede it, on favorable conditions to us? No one can believe, that if the claim for spoliations had not been renounced, it would not, as well as the claim for private debts on France, have been compromised at the time of the Louisiana purchase. And it is equally apparent, that this immense, and, to the United States, all important territory, would have been abundantly valuable enough to furnish the means of the compromise.

Farther, that it can with no justice be said the claim was worthless, may be argued from the estimation in which it was held by our government, and by the French Government. Our government instructed its ministers not to renounce it; and these ministers estimated it at fifteen millions. The French offset this claim against all their claims on this country. It is necessary only to cast an eye over the correspondence of the French ministers to this country, to see that they regarded their claims as very important, and yet they offset them against the claim of our citizens for spoliations. We have already said, that our ministers were instructed to propose to France a subsidy of two hundred thousand dollars, in acquittal of one part of the obligations, which the treaty of alliance of 1778 imposed upon us. It is a fact, that may assist us to estimate the value of the claim, that the two governments agreed to offset it against all the French claims



on us, one single article of which, viz. the fulfilment of a part of the stipulations of the treaty of alliance, was estimated by our government, as worth a subsidy of two hundred thousand dollars per annum. This being the estimate of the paying party, it may well be supposed that France, the receiving party, would have estimated it much higher.

The truth is, if it be allowed that the claims mutually offsetting each other were of equal value, the claim of our citizens, so far from being worthless, was of immense importance. It would have been impossible to negotiate a Convention with France, on the basis of the old treaty. So much was the state of the world changed since 1778, that the old treaty could not have been enforced strictly, without dragging us into a war with England; nor could that treaty have been left in the situation in which it was placed by the acts of Congress of 1798, without bringing on a real war with Napoleon. A war with Napoleon, at that time, would have been, in human probability, most injurious to this country. It would have yoked us in a disastrous alliance with England, would have prevented our acquisition of Louisiana, and probably thrown it into the possession of the British. Now, there seems no possible way in which the claims of the French, to the permanent enjoyment of the advantages of the treaty of 1778, could have been compromised, but by this pecuniary arrangement. The French agreed to accept a renunciation of a claim on them, estimated at fifteen millions. Our government, wisely as we think, chose to purchase at this rate a fair and honorable settlement of our difficulties with France, with which country, in consequence of the antigallican spirit of a part of our own rulers, and the violence and injustice of those of France, our relations had become in the highest degree embarrassed. How then can it be said, that the claim, whose renunciation was the basis of so happy a compromise, was of no value? It was of all the value, that peace with France was to the country.

It may be intimated, that our government would not have renounced it, had it been a valuable claim; to which we reply, that, however valuable, they would be still authorised to renounce it for an equivalent; which we have just shown they obtained. Moreover, we all know, not only that the government of our country esteemed the claim valuable, but

the value they placed upon it is known from the instructions to our envoys. It is true, it may justly be argued, that, if the claims were valuable, the government would not have renounced it, without designing to make compensation to the claimants. We may add, they could not constitutionally renounce it, without such intention; for in one of the amendments to the Constitution, which form the conditions, on which a large portion of the people of these United States accepted that instrument, it is provided, that 'private property shall not be taken for public use, without compensation.'

It is our firm belief, that the government of our country intended to make compensation. Motions to that effect were very early brought into Congress; they were supported by as large a number of its members, as could have been expected before the question had been agitated, and the claims urged. Meantime the Louisiana treaty came on, and there is much reason to think, that it was the intention of Mr Jefferson, to make the acquisition of that region the means of indemnifying our citizens, whose property had been renounced. No provision to this effect could have been introduced into the Louisiana Convention, because, as between France and us, the claim had ceased to exist. But Chancellor Livingston, who negotiated the purchase of Louisiana, expressly writes to our commissioners under it, Messrs Mc Clure, Mercer, and Barnet, that such part of the private claims on France, as the twenty millions of francs appropriated should fail to cover, must be paid by the United States. In like manner, we have no doubt, our government expected, that recompense should be made by the nation to those claimants for spoliations, whose just demands on the French Government had been renounced for the public service.

The low price at which Louisiana was bought, would have well enabled our government to raise a fund out of it for such a purpose. The purchase money was but seven and a half cents an acre, estimating the quantity of land acquired at two hundred million acres,\* which is a low estimate, and the price of the land at fifteen millions of dollars.

\* Seybert's Statistics.

The whole of Louisiana cost but three times as much, as was paid to quiet the various Mississippi Land Company claimants, or to purchase Florida. And what, in one word, may show the smallness of the sum of money that was paid for it, we need only add, that the poor negroes of St Domingo, to quiet the claims of the ancient proprietors, have paid thirty millions of dollars for the French part of that island, twice as much as the purchase money of Louisiana. It is, however, wrong to attempt, by a comparison of dollars and cents, to estimate the value of Louisiana to the Union; its acquisition is among the most important incidents in the history of the world; the silent peaceful extension, to half a continent, of the blessings of republican liberty. Nor does it admit a doubt, that our government, in making this purchase so low, designed that it should form a fund for the indemnification of those of its citizens, whose claims on France had in the general settlement been renounced.

It would not be difficult to point out, in the history of our politics, both foreign and domestic, the causes which have hitherto prevented this, or any other effectual measures for the relief of the claimants, but we regard this as a superfluous task. We also pass over many minor considerations, that have been or may be urged against any measures for granting this relief, such as the length of time that has elapsed, the large amount of the claim, the doubtful justice of parts of it. If we have succeeded in showing that it is in the main founded in justice; that the claimants could rightfully have demanded payment of France, and that our government renounced this claim for them, we have established our point. If we have made it farther apparent, that at the time of renunciation it was understood to be a claim of great value, and was an offset against important claims of France on America; if we have shown that its recovery from France was not so desperate, as to make its estimated value null; if we have made it clear, that but for this renunciation, the claim would now have stood on the footing of those, which the government is actively prosecuting, and will certainly enforce, we have established, as we conceive, a fair right on the part of the claimants to indemnity from their own government. Meantime we have no distrust of the national councils. It is likely, that when the papers, which have been promised

from the Department of State, shall be communicated, the subject will be fairly and adequately discussed, and that some compromise, satisfactory to the claimants, and not onerous to the country, will take place.

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ART. VIII.—*Ensayo sobre la Necesidad de una Federacion Jeneral entre los Estados Hispano-Americanos, y Plan de su Organizacion. Obra Póstuma del H. CORONEL D. BERNARDO MONTEAGUDO. Lima. 1825.*

THE alliance about to be established between the new American republics, by the delegates assembled at the Isthmus of Panamá, may with justice be considered among the most remarkable events of political history. Confederacies between independent states, for the purpose of consulting and supporting the common interest, have existed from early times. The governments of ancient Greece had their mutual compacts, their long sustained council of Amphictyons, and their renowned Achæan league; some of the minor states of modern Europe have from time to time followed their example; and we behold at this day, the colossal powers of the old world linked together to maintain their dominion, nay, to secure their safety. The influence of these confederacies has been important, in proportion to their extent and their objects, but none of them has existed under circumstances so imposing, or been instituted on principles so broad and just in their political bearings, or been calculated to affect so deeply and widely the destiny of future generations, as that about to be formed by the Congress of Panamá.

Polybius tells us, that it was the boast of the Achæan league, while the wise and politic Aratus was at its head, to be founded on the basis of equality and liberty, and that to this were mainly to be ascribed its strength and its increase. But every one knows what was Grecian liberty, even in the best days of Grecian prosperity. The balance, between the rights of the people, and the power of the rulers, was never well adjusted; the laws of nations were not understood, because practised on a narrow scale; commerce, that great

instrument in drawing out the principles, and settling the rules of national intercourse, was hardly known. In short, liberty was too often the watchword of those, who desired freedom from law rather than from tyranny; and the cry of equality was a signal for levelling the fabric of power, as sustained by an existing government, that the schemes of ambition and misrule might be raised on its ruins. These defects, and others of a collateral nature, interwoven with the very texture of political institutions denominated republican, not only in Greece, but in other countries of Europe at later periods, have presented obstacles to any well organised confederacy in governments of this kind in the old world, which would bring the combined power and wisdom of the whole, to act for the mutual and equal benefit of the parts.

If we look at confederated despotisms, we find things in a still worse condition. Who has ever dreant, that it was the aim of the present allied sovereigns of Europe, to lift a finger towards aiding the progress of the mind, or human improvement in anything, which implies freedom of thought, or scope of inquiry? All their acts declare the contrary, and prove this alliance to be a conspiracy against the liberty, as it is an outrage upon the rights of mankind. It is a combination to perpetuate ignorance, delusion, and slavery; to stop the current of public opinion, and let in upon the mind anew the Stygian waters of the dark ages; to make men bigots in the false creed of legitimacy, and infidels to the pure faith of reason and truth, liberty and right. Let public opinion be brought to this standard, and it is wisely judged, that it can be moulded to any shape, and impelled in any direction. Teach men to forget their rights, and abandon self respect, and you have no more to do to make them fit subjects for dragging the chains of slavery. The sovereigns of Europe are allied to prop up half a dozen tottering thrones, whose gothic structure is the mockery of an enlightened age like this, and to aggrandise half a dozen crowned heads, not merely at the expense of the independence of a hundred millions of the human race, but at the immensely greater sacrifice of retarding the progress of nations in those arts of self government, of which the human character and condition are susceptible, which afford the broadest foundation for all the advantages to be derived from the social compact, and

which are advancing so rapidly in every part of the world, where the shackles of antiquated forms are not felt.

The confederacy of Panamá is formed under auspices totally different from any, which have before existed. It has no prototype in the annals either of ancient or modern story. A hemisphere of the globe has become freed from the yoke of bondage, by hard struggles and by an energy, which only the spirit of freedom could inspire. The soil, which for three centuries was made sterile by the poisoned breath of tyranny, now gives growth and vigor to six great republics, as well organised as the circumstances of each will admit, and having for their basis the genuine principles of political liberty and justice. To give stability to these institutions; to remedy the numerous defects, which in their present stage they must necessarily possess; to consult and advance the common interests of twenty millions of people; to provide means of defence against aggression from without, and commotion from within; to secure peace and prosperity at home, and importance and respect abroad; to settle on definite grounds those political maxims, which for ages unnumbered will regulate the intercourse of nations, whose infancy will soon grow into a powerful manhood; to concert all the plans, in short, which wisdom can devise, and union execute, for increasing the strength and prosperity of every branch of the confederacy; these are some of the points to be considered at the Congress of Panamá. The spectacle of such a body, assembled for such a purpose, is not more novel than imposing; its members are literally the legislators of a continent; and it was a just remark of Bolivar, that this event 'will form a memorable era in the diplomatic history of America, and a hundred ages hence, when posterity seeks the origin of the international law of the southern republics, she will consult the records of the proceedings in the Isthmus.' Viewed in this light, and it is certainly the true light, the Congress of Panamá is an object of deep interest to all parts of the American continent, and although our own government is at present widely separated from the sphere of its action, yet it must necessarily, at a future day, participate largely of the influence of its measures.

In touching on this subject at present, we aim at nothing more, than to state a few historical facts, with very brief

remarks on the general purposes of the Congress of Panamá, reserving for a future occasion a discussion of its direct policy and designs, as these may be more fully developed. The project of a union between the new governments of the south, seems to have been early conceived by some of the leaders of the revolutionary contest, as a step highly important and desirable, but the first who undertook the business of carrying it into execution was Bolivar. If it succeeds, as its friends anticipate, he must be regarded the Aratus of the league. Till Peru had shaken off the yoke of the Royalists in 1821, so far at least as to set up a nominally independent government under San Martin, which it has since confirmed and maintained, and until Mexico had escaped from the folly and tyranny of her mock emperor Iturbide, it was obvious that any plan of confederacy between the other states could not be accomplished, with a prospect of permanency or advantage. But in 1823, when the power of Old Spain was virtually destroyed in South America, and each republic began to stand firm on its own basis, Bolivar, as President of Colombia, formally invited the governments of Mexico, Peru, Chile, and Buenos Ayres, to send delegates to the Isthmus of Panamá, or to any other place that might be agreed on, with the express design of establishing the confederacy, and proceeding in their deliberations, as the instructions and united wisdom of the parties might dictate. This invitation was promptly accepted by Mexico and Peru, and an agreement, in the nature of a treaty, was entered into by each with the plenipotentiaries from Colombia, containing a mutual pledge to send delegates to the confederate Congress. Chile and Buenos Ayres delayed joining the compact, for reasons not well known, nor does it appear, that they have yet determined to take a part by their representatives in the convention. The obstacles to their union are probably of a local and transient nature, which will in due time be removed, and the way be left open for them to come into the compact.

In this stage of the undertaking, as it was necessary for some one government to take the lead in its further prosecution, Bolivar sent a circular to all the republics, dated at Lima, December 7, 1824, recapitulating what had been done, and proposing, that delegates should immediately be

sent to Panamá, by those governments which had agreed to join in the confederacy, suggesting that they ought not, out of courtesy to the delinquents, to delay any longer to profit by the advantages, which it was confidently believed would be derived from such a convention. The governments of Colombia and Mexico promptly acceded to this request of the Liberator of Peru, and two delegates from each of these countries proceeded to the place of destination. It is presumed, also, that the republic of Guatamala will join the confederacy at the outset, and send its representatives.

The preliminary steps of the Congress are indicated by Santander, Vice President of Colombia, in his reply to Bolívar's circular. It is there proposed, that the governments of Colombia and Peru should authorise their plenipotentiaries, as soon as they arrive at Panamá, to enter into a direct correspondence with the other republics, acquainting them that conferences had commenced, and renewing the invitation for each to send representatives. That these same plenipotentiaries should have power to select such a place, as they should think proper, in the Isthmus of Panamá, for their preparatory conferences. And, again, that whenever delegates from Mexico, Guatamala, Colombia, and Peru, or from any three of these republics, should be convened, they should have power to install the assembly of confederate delegates, and proceed to the business for which they were convened. It is moreover stated, in the letters of the President of Mexico, and the Vice President of Colombia, that each of these governments, through their ministers plenipotentiary in Washington, had invited the government of the United States to take part in the deliberations at Panamá.

Such is a very brief history of the origin of this assembly ; future events must unfold the character and extent of its doings. Meantime we hasten to a few observations on its proposed objects, as far as these can be understood, from the hitherto imperfect expositions of the parties themselves, and from the political condition and interests of the several republics. The pamphlet, whose title is prefixed to this article, and which was published at Lima within the last twelve months, affords some hints on this subject ; and although it bears marks of haste, and is crude in composition, it is on the whole drawn up with a good deal of ability, and



manifests in the writer a deep knowledge of South American politics. It comes out as the posthumous work of Montea-gudo, and this may be the true story of its origin, although the testimony in the preface is no more, than the assertion of an anonymous writer. It is a point of no consequence, however, who was the author of the pamphlet, as it treats of topics in no degree affected by the authority, from which the discussion of their merits proceeds. The name of Montea-gudo is sufficiently notorious in the recent history of South American affairs, particularly in Chile and Peru. He raised himself from obscurity by the force of his talents, and his address, and acted a most conspicuous part in the strange drama of San Martin's political career. In Peru he was entrusted with almost absolute power by San Martin, but he used it for purposes, which have been condemned in the severest terms by those, who profess to be acquainted with his conduct. At all events, the people became so much exasperated with his proceedings, that he was compelled by their united clamors to leave the government, while San Martin was yet in Peru. From that time he lived as a private citizen till last January, when he was assassinated in the streets of Lima.

Here we will dismiss the supposed author of the pamphlet, and turn to the hints it contains on the Congress of Panamá. Three great points are said to claim the devoted and united attention of all the republics, and these are *independence, peace, and security*. To establish independence, preserve peace, and form a system of mutual guaranties, are objects equally essential to the prosperity, and even existence, of all the new governments, and such as can only be attained, in the most effectual manner, by a Cōngress, in which each shall be represented, and which shall proffer reciprocal support, fix the rules of national intercourse, and reconcile national dissensions. In his circular to the republics, Bolivar describes the Congress as a body, which may 'act as a council to us in our distresses, as a rallying point in our common danger, as a faithful interpreter of our public treaties when difficulties occur, and, in fine, as a mediator in all our differences.' This summary embraces all that can be desired from a confederacy, and it only remains to inquire what are the details, and whether they are practicable.

The thing of primary and vital importance to the South American Republics is their *independence*, and in this each one of them has an equal concern. Without independence, in short, they could not exist, and no sacrifices can be too great, no precaution superfluous, which shall have a tendency to establish this on an unshaken foundation. Where a common enemy is to be feared, whose designs are equally hostile to each republic, common prudence would dictate, that the best pledge of security would be in the united wisdom, resources, and strength of the whole. The only possible mode of effecting this union, of applying these resources, is by a Congress of delegates from the respective governments, authorised to concert proper measures, and to become responsible for supplying such a portion of the means for carrying them into operation, as may fall to the lot of each, or as exigences may require. All the reasons might here be adduced in favor of a general Congress, which were so powerfully urged by Jay and Hamilton in the *Federalist*, when they insisted on a union of our States, as the best security against foreign invasion. If you would preserve peace, let it be seen, that you are prepared to meet, and have power to resist, an enemy.

The South Americans would not seem longer to have grounds for fear, that any further attacks will be made on them by a foreign foe, yet they are doubtless wise to keep on the side of caution. The arm of Old Spain is paralysed, not more in the new world, than in the old. The brilliant victory of Ayacucho severed the last thread of her dominion on the western continent, and wrested from her hand forever the sceptre of power, which she first acquired by bloodshed and treachery, and which for three centuries she has wielded only as an instrument of oppression. The last remnants of her prostrated forces are now collected at San Juan de Ulloa, a small island on the coast of Mexico; at the castle of Callao, the port of Lima, under the semibarbarous Rodil; and at Chiloè, in the southern borders of Chile. In these retreats their insignificance protects them, and from these they would soon be driven, were it possible for them to gain such accessions of strength, as to make them otherwise than insignificant.

In this state of things it is manifest, that all actual danger from Old Spain has ceased, and as far as that humbled

nation is concerned, the independence of the new world is secured. But the South Americans say, and perhaps justly, that her pride is not subdued, although her physical force is crushed, and that the spirit of revenge is stifled, not quenched, but slumbers to burst forth with increased fury, should her strength be revived. She will set up pretensions, and call them rights, and fortify them with records, decrees, and traditions, till the series terminates in the famous bull of Pope Alexander the Sixth, making over to Ferdinand and Isabella all the western world beyond a certain line, drawn from pole to pole through such points, as his Holiness was pleased to designate. The obstinacy, that has struggled for several years in a contest, which all the world has seen must end, as it has done, in defeat and disgrace to Spain, is too blind to see the reality at first, and too inveterate to be reclaimed by reason, justice, or common prudence. It will seize the first opportunity to renew its rashness, which accident or the progress of events may throw in its way, and which shall communicate the faintest gleam of life to a lingering hope.

Moreover, the Holy Alliance exhibits an aspect, which the South Americans are disposed to contemplate with much suspicion. Not that this formidable combination has anything in America, which can rightfully claim its attention, but the melancholy examples of Naples and Spain prove abundantly, that it is ready to meddle where it has no rights, nor proper interests. These kind hearted sovereigns, by their own professions, carried war and death into the Peninsula to make the people happy, and teach them how to manage their own affairs. Who knows how soon the same tender concern may be extended to America? And when this fit of sympathy shall once have taken as deep hold, as it did in the cases of Naples and Spain, why should it not be expected to see the bayonets of their Imperial, Most Catholic, and Most Christian Majesties, teaching the same lessons of happiness and self government to the Mexicans and Colombians, as they have before done with such triumphant success to the Neapolitans and Spaniards? The Holy Alliance exists as a whole, and in its parts, on a name, a shadow, the shadow of *legitimacy*, and when the people shall see what a vain, empty thing it is, the bubble will burst, the charm will be dissolved, and the airy fabric will fall. To keep the peo-

ple in ignorance, therefore, and to suppress by collusion or force the first germs of intelligence and liberty wherever they appear, are among the most essential maxims of this political compact. Nothing but the want of adequate power, and the doubtful nature of the undertaking, would prevent these maxims being applied in America, with as much energy as in Europe. And although nothing can seriously be apprehended, it is prudent, to say the least, that the republics of the new world should be on their guard.

Then, again, there is the new empire of Brazil, bordering by a line of immense length on Colombia, Peru, and Buenos Ayres. It does not yet appear, in what direction this sprig from a royal stock will shoot. The names of emperor, crown, and sceptre, have no charms for American ears, and if the things, as well as the names, are to put forth the same virtues here, that they have done in the old world, it is safe to say, that American ground cannot long be a quiet depository for such symbols of ancient darkness and domination. It is true, that Don Pedro the First has thus far shown a spirit of accommodation to circumstances, which augurs not badly. We are even told of the *independence* of Brazil, and a *constitution*, and these under an emperor! It will puzzle a republican of the United States to understand a combination of ideas so incongruous. If Don Pedro would become a president, and declare the Brazilians independent not only of Portugal, but of all hereditary forced dominion, whether from abroad or at home, and then give them a constitution recognising an equality of rights, and liberty to choose their own mode of being governed, he might talk in earnest of the independence of Brazil. But till this be done, there never will be any permanently good understanding between that country, and the neighboring states. Jealousies will arise, aggressions be committed, and wars break out. The idle dream of legitimacy will play at times in his Brazilian Majesty's imagination, and the great champions of this phantom in Europe will have succors for an oppressed brother, which may be contributed indirectly, if not directly, to such an extent, as to render him a troublesome neighbor to the adjoining republics. In their relations with Brazil, these governments have a common interest, and such relations may properly be discussed by a general Congress.

Such are some of the advantages, which the cause of South American independence will derive, from a single body of delegates convened from all the states, especially in the first stages of their national existence. The next important step is to secure a permanent *peace*, not only in regard to their standing with foreign nations, but with each other. It is of vast moment, at the outset of their political intercourse, that such measures should be concerted, and maxims adopted, as will be mutually understood and received. By judicious arrangements of this sort, the usual causes of national differences and discord will in a good degree be obviated, a uniformity of thinking on these subjects will gradually diffuse itself through the different parts, and a similarity of habits and opinions prevail. In short, each will see its real interests in their true light, and be ready to make sacrifices, where they are required from another. The governments of South America are all established on precisely the same principles, their condition has hitherto been the same, they have thrown off the same yoke of oppression, and they have before them the same difficulties to encounter in their national progress; they speak the same language, have the same manners, domestic habits, and characteristic peculiarities. It follows, of course, that similar laws and political institutions are strictly applicable to the whole. In this respect there can be no essential difference between Mexico and Chile, Buenos Ayres and Colombia. Yet some of these governments are separated by so wide a distance from others, that the bonds of national sympathy will every day become weaker, distinctive national habits will spring up, and, as in all other nations, not cemented by any local attachments, rival interests will begin to take root, and the seeds of discord to be scattered, and the fair blossoms of peace to be blasted. With every hope realised, the day will come, perhaps, when these evils will have a being, but this is no reason why their causes should not be timely cut off to as great a degree as possible. And since there is such an entire similarity in everything pertaining to the people of these countries, and in the principles of the governments they are constituting, it is evident, that they are in a condition to be guided by one general system, formed by a united voice. And it is moreover evident, that this same harmony of cha-

racter, customs, opinion, and feeling, may be turned to the best account in promoting a universal spirit of conciliation and peace. An assembly of representatives, such as that at Panamá, is the only body, that could frame and give authority to a system, that would be suited to this uniformity of character, condition, and interests.

Peace will be preserved, not only by such a system, adapted alike to the institutions and internal policy of each government, but also by having a tribunal of weight and authority, representing the interests of all parties, to which may be referred national differences, the exposition of doubtful points in national law, the settlement of disputed rights and titles, and the interpretation of treaties. Many a long and bloody war would have been avoided in the old world, had these points been clearly defined, and understood in the same sense by the parties, before a difference of opinion, or a misapprehension, had kindled animosity, and an imaginary injury had prompted to unseasonable aggression.

Lastly, a general Congress is calculated to afford the most perfect guaranty, which can be given, of the *security* of the several states, or of the enjoyment of their rights and privileges as independent sovereignties. As the representatives meet on reciprocal grounds, the very essence of the confederacy will be a pledge to conduct their deliberations, and form their decisions, on principles of perfect reciprocity. It is only upon this basis, indeed, that the Congress can exist at all, and if this be removed, the union will necessarily dissolve. While such an assembly continues, therefore, in the full and active exercise of its delegated powers, the states individually can have no stronger safeguard to their rights as separate governments. A majority in the assembly will rule, but the interests of each member of the confederacy are so nearly the interests of all the others, that a case can hardly occur, in which a majority would come to a decision essentially detrimental to the minority, and not at the same time be equally so to themselves. The extraordinary circumstance already repeated, that is, the remarkable similarity of interests on all subjects, which will be brought before this body, guards its deliberations with a system of checks and balances, which leaves it no power to act, while it acts at all as a united assembly, except for the common good. This must

inevitably be the character of the assembly, unless it can be supposed, that the majority will conspire to accelerate their own ruin.

Navigation and commerce are yet in their infancy in the South American republics; the laws of nations concerning this kind of intercourse are very imperfectly understood there, as well as the theory of the freedom of trade, and the rights of neutrals in time of war. Obstacles, which have proved most serious to the peace and prosperity of the old countries, will be removed, if the laws of international communication can be defined by a competent tribunal at this period, and be watched over and interpreted as occasions may hereafter require. In the administration of justice, and the general forms of internal government, the laws of Old Spain still prevail throughout Spanish America. These must gradually be reformed, and abolished, and their place supplied by others in unison with the spirit of free constitutions. Such a change must be produced slowly, but it will be done much more surely, when promoted by the influence of a general Congress, which will collectively be acquainted with the condition and wants of the separate republics, and be able to apply such counsels and such remedies as are most needed, and as will command the confidence and respect of the people.

But we aimed only at a few hints on this subject, and have already transgressed our intended limits. As far as we can collect the views of the South American writers, from such of their remarks as we have seen, it may be expected, that the immediate attention of the Congress will be drawn to some or all of the following topics, as enumerated in the *Gaceta de Colombia* of the 27th of February, 1825.

1. To form a solemn compact, or league, by which the states, whose representatives are present, will be bound to unite in prosecuting the war against their common enemy, Old Spain, or against any other power, which shall assist Spain in her hostile designs, or any otherwise assume the attitude of an enemy.

2. To draw up and publish a manifesto, setting forth to the world the justice of their cause, and the relations they desire to hold with other christian powers.

3. To form a convention of navigation and commerce, applicable both to the confederated states, and to their allies.

4. To consider the expediency of combining the forces of the republics, to free the islands of Puerto Rico and Cuba from the yoke of Spain, and, in such case, what contingent each ought to contribute for this end.

5. To take measures for joining in a prosecution of the war at sea, and on the coasts of Spain.

6. To determine whether these measures shall also be extended to the Canary and Phillipine islands.

7. To take into consideration the means of making effectual the declaration of the President of the United States, respecting any ulterior design of a foreign power to colonise any portion of this continent, and also the means of resisting all interference from abroad with the domestic concerns of the American governments.

8. To settle by common consent the principles of those rights of nations, which are in their nature controvertible.

9. To determine on what footing shall be placed the political and commercial relations of those portions of our hemisphere, which have obtained, or shall obtain their independence, but whose independence has not been recognised by any American or European power, as was for many years the case with Hayti.

This is a formidable list of subjects, and enough to show, that, if they should all be discussed, the first Congress at Panamá will not have an idle session. As to the question, whether the United States ought to join in the confederacy, it can hardly be doubted, that such a step would at present be highly inexpedient. Nearly all the topics for primary consideration, are such as pertain exclusively to the local interests of the South American republics; any close alliance, or active interference of the United States, would embarrass, rather than facilitate some of the most important deliberations of the Congress. Besides, our friendly relations with Old Spain render it impossible for us to participate in any measures of war, or hostility, either by counsel or action, which her enemies may think themselves compelled to adopt. The pledge of the President of the United States may be considered as sacred and permanent, so far as the warm and universal approbation of the country, when it was given, may be regarded as clothing it with such a character. In his message to Congress two years ago, speaking of the European powers, President Monroe used



the following dignified and decided language. 'We owe it to candor, and to the amicable relations existing between the United States and those powers, to declare, that we should consider any attempt on their part, to extend their system to any portion of this hemisphere, as dangerous to our peace and safety. With the existing colonies or dependencies of any European power, we have not interfered, and shall not interfere. But with the governments, who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power, in any other light, than as the manifestation of an unfriendly disposition towards the United States.' The South Americans cannot want a more hearty and decided expression of interest in their concerns, and of friendly feeling towards them, than is contained in this paragraph. The government of the United States has recognised the independence of all the republics, and formed with them on mutual terms the relations of sovereign and independent nations. Should the great cause of American freedom be assailed, whether at the north or the south, the people of the United States will be ready to take up arms, and unite with all the friends of liberty on the continent in defence of their common rights. At such a crisis there would be strong motives for a union of counsel, in a general congress of delegates collected from every part of America. As it is contemplated, that the Congress of Panamá shall be a permanent body, holding its sessions stately from time to time, the day may arrive, when the local affairs of the south will be so adjusted, that there will be few national interests in those countries, which are not common to the north. At such a period, also, a union may with great propriety be formed.

But notwithstanding we think it would be manifestly premature and impolitic, for the United States to join the confederacy at this stage of the business, yet there are many reasons why representatives from our government should be present, and take part in such discussions as effect our immediate interests, and be prepared to express the sense of the government on all topics of general concern. Let the acts of the Congress be what they may, since they will apply to all the southern re-

publics, they must ultimately affect the United States; and it is not easy to foresee or calculate the advantages that would be gained, or the evils that would be averted, in our future national progress, by exercising a timely and salutary influence in the counsels, whose professed design is to form a system of mutual intercourse and political operations, for six distinct governments on the western continent, some of them already powerful, and all possessing the means of rapid growth and strength.

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ART. IX.—*Memoir of the Life of Josiah Quincy Junior, of Massachusetts.* By his Son, JOSIAH QUINCY. Boston. 1825. Cummings, Hilliard & Company. 8vo. pp. 498.

THE history of the American revolution, familiar as it is in its prominent features, relates to a subject of so much importance, as may well inspire that general and growing interest, which is observable, to learn the minuter circumstances, that may be communicated by authentic memoirs, respecting the causes, principles, and incidents of the contest, and of the distinguished agents in the great transaction. During the war, all hearts were engaged in active and arduous efforts, to bring it to a successful issue. While such energies were in exercise, the interesting preliminary questions relative to colonial rights and duties, allegiance and supremacy, which had been so amply and ably discussed, were superseded. When peace was declared, and independence secured, the whole country was miserably exhausted by the exertions and sufferings incident to the arduous struggle, and all became earnestly engaged, according to their opportunities, in repairing their wasted fortunes, or in securing the means of subsistence in the various employments, to which they had been accustomed, or in the new pursuits which were opened by the revolution.

To these exertions there were, for a time, many discouraging obstacles. The change of political relations, resulting from the revolution, impeded, in a degree, the prosecution of some of the former branches of business. Time, experience,

and more abundant means, than were then possessed, were necessary for successful pursuits, in the new avenues which were presented. In the mean time, the public debt was pressing, no adequate national provision existed for its discharge, and the honorable exertions of individual states to comply with their obligations, were beyond their means, created discontents, and, in one instance, rebellion. To these discouraging incidents, were added some untoward circumstances, in reference to the brave men, who fought the battles of the revolution. Commutation pay and Cincinnati honors excited a dissatisfaction, that for a time restrained the generous emotions, which would otherwise have naturally prevailed.

From these and other causes, which might be mentioned, we are not to look to the early years of our national progress, immediately after the war, for any very intense interest in the history of the revolution. The important discussions which succeeded, relative to a new organisation of the national government, commanded almost exclusive attention to that object. The French revolution, which followed, revived congenial feelings and sentiments connected with the American contest; but the bloody and revolting transactions, which accompanied that memorable struggle, repressed the early sympathies, which were manifested, and considerate men devoted all their influence, to guard against the dangers of perverted sentiment, to establish the new national edifice on solid foundations, and to maintain a safe and steady course in the administration of public affairs, during the fierce and alarming conflicts of contending nations. It was then that a recurrence to the principles of the revolution was less cordially cherished, by becoming the instrument of party. In every stage, however, it may be affirmed, there has been no real want of attachment to those principles. Men only differed as to the time, manner, and occasion of their expression, and as to their application. In the course of events, there is happily a return to 'the old good sense and old good humor' of the country; and we have arrived at a period, commencing with the treaty of Ghent, when a greater degree of political catholicism prevails, and among the various interesting topics to which a liberal curiosity is extended, the principles, causes,

events, and characters of the revolution, have their just share of public attention.

Speculations and details of this description are more valuable and deserving a complacent reception, as they are free from party views, and are not for the purpose of reviving extinguished animosities. They are regarded as a just tribute to departed worthies; as preserving precious elements of national history; as instructive lessons for political conduct, and as laudable incitements to manly sentiment and magnanimous deportment, in seasons of distress and danger. Under such impressions, they come with a lively warmth, but with a pure and chastened tone, from men of refined taste and elevated views. We follow them to scenes of strenuous action, not for the indulgence of angry passions, but from dutiful regards and grateful remembrances, in harmony with generous affections, and not unfriendly to that diffusive philanthropy, which it is desirable to cultivate.

—— hinc maxima porrò

Acceptit Roma, et patrium servavit honorem.

A memoir of the life of *Josiah Quincy junior* could, at no period, be uninteresting to the American people; but from the considerations which have been suggested, and from the remarks of the worthy and respectable editor, we cannot but think the time of publication to be well chosen.

‘By the lapse of half a century, the actors in the scenes immediately preceding the war of the American Revolution, begin to be placed in a light and at a distance, favorable at once to right feeling and just criticism. In the possession of freedom, happiness, and prosperity, seldom if ever before equalled in the history of nations, the hearts of the American people naturally turn towards the memories of those, who, under Providence, were the instruments of obtaining these blessings. Curiosity awakens concerning their characters and motives. The desire grows daily more universal to repay, with a late and distant gratitude, their long neglected, and often forgotten, sacrifices and sufferings.’ p. v.

The volume consists of a well written biographical sketch of Mr Quincy, of copious extracts from his journals, kept on a tour to the Southern Provinces, as they were then denominated, and on a visit to England, of copies of letters to and from his friends and correspondents, principally on political

topics, and a reprint of his Observations on the Boston Port Bill.

‘The chief memorials of Josiah Quincy junior, belonging to this class, were, by his last will, bequeathed to his son, the editor of this work. They have frequently been solicited for publication, but, with the exception of the few extracts, which Gordon made and inserted in the first volume of his History of the American Revolution, no part has before been submitted to the press. They are now given to the general eye, not so much because they belong to that individual, as because his memory, from the circumstances of his life, death, character, and labors, is inseparably identified with the times in which he lived, and with the fortunes of his country.’  
p. vii.

The family of Quincy commences, on American ground, with Edmund Quincy, who came from England with the Rev. John Cotton, and arrived at Boston, September, 1633. Josiah Quincy junior was of the fourth generation from that venerable head, being the youngest of three brothers, sons of Josiah Quincy of Braintree, Massachusetts, who was the youngest son of Edmund Quincy, grandson of the Edmund first named. This family, in all its branches, and in every generation, has furnished distinguished men, who have, in a high degree, deservedly enjoyed the public confidence, in places of public trust and employment. The first Edmund Quincy was one of the representatives of Boston, to the first General Court held in the colony. His only son, Edmund, who died in 1697, was a magistrate of the county of Suffolk, and lieutenant colonel of the Suffolk regiment. John Quincy, his son, born 1689, was Speaker of the House of Representatives, for many successive years, and afterwards a member of the Council. Edmund, his brother, was, in early life, a representative of Braintree, afterwards member of the Council, and Judge of the Superior Court of Judicature, from 1718 to his death, in 1738. He died of the small pox, in London, being, at that time, agent from Massachusetts, relative to a controversy with New Hampshire, respecting the boundary line between the two provinces. In grateful return for his eminent public services, a grant of one thousand acres of land was made to his heirs, by the General Court, and a monument was erected to his memory, at the place of his interment, in London, (Bunhill-fields,) at the expense of the province.

Josiah Quincy, his youngest son, accompanied his father to England. In 1755 he was employed to negotiate with Pennsylvania and New York, for assistance against the French aggressions on the frontiers. In the execution of this commission he became acquainted with Dr Franklin, with whom, and with other distinguished men of the age, he kept up a correspondence until his death, in 1784, having for many years lived in retirement, on his paternal estate, in Braintree. This estate, now the seat of his grandson, editor of this work, is in *Quincy*, a town set off from Braintree in 1792. In that town, also, is the paternal estate of John Quincy, above mentioned. It includes *Mount Wollaston*, the residence, in early times, of Thomas Morton, who was routed from his disorderly establishment by our sturdy ancestors. This estate is now the property of his great grandson, John Quincy Adams, President of the United States.

The subject of this memoir was born in Boston, February 23d, 1744.\* He 'acquired the rudiments of a classical education,' we are informed, 'at Braintree, under the tuition of Mr Joseph Marsh, who was for many years master of a highly respected private school in that town.' We are induced to believe, that his classical studies were merely commenced with Mr Marsh, for, on reference to a list of scholars at Master Lovel's school, in Boston, on which we may be allowed to rely, it appears, that young Quincy entered that celebrated school in 1754, and left it in 1759, when he was matriculated at Harvard College. Of his collegiate and professional studies and acquirements, and the developement of his character at that early period, we have the following information in the Memoir.

'In 1759, he entered Harvard University, where his industry, zeal, and unconquerable thirst for learning, were conspicuous. His taste was refined by an intimate acquaintance with the ancient classics, and his soul elevated and touched by the spirit of freedom they breathe. His compositions during this period also prove, that he was extensively conversant with the best writers of the French and English schools. Above all, the genius of Shakspeare seems to have led captive his youthful imagination. In his writings, quotations, or forms of expression, modelled upon those of that author, perpetually recur. There still exists among his papers, a

\* Son of Josiah and Hannah Quincy. His mother was a daughter of John Sturgis Esq. of Yarmouth.

manuscript of the date of 1762, he then being in the junior class of the college, of seventy closely and minutely written quarto pages of extracts from that writer.

‘He was graduated in 1763, with unblemished reputation. Three years afterwards, on taking the degree of Master of Arts, he pronounced the English oration, at that time a new thing in the exercises of the University, and considered its highest academic honor. His subject was “Patriotism,” and it appears by the periodical publications of the day, that he acquired, both on account of the composition and delivery, great reputation.

‘From the University, he passed in 1763, into the office of Oxenbridge Thacher Esq. in Boston, one of the most eminent lawyers of the period, and entered upon the study of the law with that intense ardor and industry, which were his distinguishing characteristics. Mr Thacher died in July 1765. Mr Quincy remained in the office during the residue of his student’s term, took a general oversight of its concerns, and on entering his professional career, succeeded to an extensive practice, which his talents, diligence, and fidelity, in a great measure, secured to himself. His industry while a student, and during the first years of his profession, is proved by several manuscript volumes, in his own hand, consisting of “Reports of cases and points of law, solemnly adjudged in the Supreme Court of the Province,” part of which are original, and part copied from the minutes of eminent lawyers.

‘The arguments of Auchmuty, Thacher, Gridley, Otis, Adams, and other distinguished lawyers, with the cases cited, in various important questions, are here abstracted and preserved.’ pp. 7—9.

It may be hoped, that the early specimens of Mr Quincy’s literary industry, whilst a student, will not be lost. Our printed reports are but of modern date. The persevering labors of Mr Dane have preserved to us several manuscript cases of importance, which would otherwise have slept in oblivion. The volumes compiled by Mr Quincy, of ‘Reports of cases and points of law adjudged in the Superior Court of the Province,’ must contain, it may be presumed, much valuable information, and modern lawyers would be gratified by the perusal of the arguments, though merely in abstract, of such men as Auchmuty, Thacher, Gridley, Otis, and Adams.

Mr Quincy was well fitted for his profession by his eminent talents and acquirements, and his distinguished eloquence; adding to these advantages an unremitting industry, and attention to the business intrusted to his care, he soon acquired an extensive degree of practice. His ardent mind,

however, could not remain exclusively devoted to the duties of his profession, during the interesting political questions, which then agitated the country. The course of his studies, his family connexions, the band of eminent patriots with whom he had intimate intercourse, and especially the influences which the conversation and example of such a man as Oxenbridge Thacher, the Gamaliel at whose feet he was brought up, must have exercised, could not but engage him most devotedly in the various public topics of the day. Of this gentleman, the venerable John Adams, in one of his letters, gives an animated portrait.

‘From 1758 to 1765, I attended every superior and inferior court in Boston, and recollect not one in which he did not invite me home to spend evenings with him, when he made me converse with him as well as I could, on all subjects of religion, morals, law, politics, history, philosophy, belles lettres, theology, mythology, cosmogony, metaphysics; Locke, Clark, Leibnitz, Bolingbroke, Berkley; the preestablished harmony of the universe, the nature of matter and of spirit, and the eternal establishment of coincidences between them; fate, foreknowledge absolute; and we reasoned on such unfathomable subjects as high as Milton’s gentry in pandemonium, and we understood them as well as they did and no better. To such mighty mysteries he added the news of the day, and the tittle-tattle of the town. But his favorite subject was politics, and the impending threatening system of parliamentary taxation and universal government over the colonies. On this subject he was so anxious and agitated, that I have no doubt it occasioned his premature death. From the time when he argued the question of writs of assistance to his death, he considered the king, ministry, parliament, and nation of Great Britain, as determined to new model the colonies from the foundation, to annul all their charters, to constitute them all royal governments, to raise a revenue in America by parliamentary taxation, to apply that revenue to pay the salaries of governors, judges, and all other crown officers, and, after this, to raise as large a revenue as they pleased, to be applied to national purposes at the exchequer in England; and, further, to establish bishops, and the whole system of the Church of England, tithes and all, throughout all British America. This system, he said, if it was suffered to prevail, would extinguish the flame of liberty all over the world; that America would be employed as an engine to batter down all the miserable remains of liberty in Great Britain and Ireland, where only any semblance of it was left in the world.’\*

\* Letter to Mr Niles, of Baltimore, dated February 13, 1818.



We perceive, in this delineation, the character not merely of an individual, but of the age, in its leading features. There was a free, bold, decisive, manly style of thought and action prevailing, inherited from a hardy, persecuted ancestry, and cherished by our literary, civil, and religious institutions; a temper which could not brook oppression, or abuse of power in any of its forms. The foundations, sustaining the spirit of liberty, were deep, strong, and indelible. The library of Harvard College, by the munificence of the younger Hollis, who did for law and polity what his uncle had done for theology, was stored with the best writers on those subjects, and her sons drank deeply from this 'well of English undefiled.' Lord Mansfield said once, in debate, alluding to Otis's Essay on the Rights of the Colonies, that he seldom looked into *such things*; but in another case, about the same time, in a speech which is far more honorable to his memory,\* he expresses his enthusiastic admiration of President De Thou's dedication of his history, which he never could read, he said, without rapture. If prejudice could have been dismissed, his heart might have been touched, as was the soul of Chatham, by sentiments and opinions, flowing from lips and pens in an infant country, not inferior to the admired composition of President De Thou.

At the time of the stamp act, and until after its repeal, Mr Quincy was a student in Mr Thacher's office, and doubtless partook of the high excitement which prevailed at that period. His first political essays were two pieces, published in the Boston Gazette, in September or October, 1767, under the signature of *Hyperion*. This first essay of the young Tyrtæus of the day discovers the strong sensations, with which he viewed the measures, adopted by the parent country in reference to the colonies; and the whole course of his conduct, during the few remaining years of his life, was in harmony with the energetic commencement of his political labors, as evinced in the essays of *Hyperion*.

At this period the alarming declaration, accompanying the repeal of the stamp act, had begun to be carried into execution by the act for laying duties in the colonies, on paper, glass, painters' colors, tea, &c. with a clause enabling the

\* Chamberlain of London, versus Allen Evans, in the House of Lords.

crown to establish a general civil list in the provinces, to an indefinite extent. This measure, connected with the establishment of a board of commissioners of customs in Boston, was considered as evidencing a fixed determination in the administration to pursue, to an unknown and alarming extent, the project of raising a revenue from the colonies by indirect taxation, without their consent; the high tone of authority intended to be maintained, in regard to the colonies, was further evidenced by restraining the governor, council, and assembly of New York, from passing any act until the mutiny act should be complied with.

Soon afterward, (November 2, 1767,) was commenced the publication of the celebrated *Farmer's Letters*, in Pennsylvania, a series of papers powerfully addressed to the understanding and feelings of the American people, in reference to the claim of a parliamentary taxation. Mr Quincy's letter to the Reverend John Eagleston, written September 15, 1768, gives a view of his determined spirit, and of the state of things at that anxious period, when the arrival of troops at Boston, to secure the execution of the obnoxious measures, was expected.

The transactions of the town of Boston, mentioned in that letter, (p. 16,) were the results of a town meeting on the 12th of the same month, at which, besides recommending a convention of delegates to meet in Boston, it was resolved,

'That the freeholders, and other inhabitants of the town of Boston, would, at the peril of their lives and fortunes, take all legal and constitutional measures to defend all and singular the rights, liberties, privileges, and immunities, granted in their royal charter.

'That as there was an apprehension, in the minds of many, of an approaching war with France, those inhabitants, who were not provided with arms, should be requested duly to observe the laws of the province, which required that every householder should furnish himself with a complete stand.'

Respecting the last resolution, Doctor Gordon quotes a sarcastic remark published in the *New York Journal*, denominating the intimation of the prospect of a French war, a '*disingenuous jesuitical pretence.*' It was doubtless a mere disguise, which would seem to have been equally unbecoming and impolitic, unless it were intended as a sort of *argumentum ad hominem*, having reference to some false and de-

lusive apologies, which had been offered for the maintenance of a considerable military force in the colonies.

On the 3d of October, a few days after the arrival of the two regiments from Halifax, Mr Quincy again appears in the *Boston Gazette*, unintimidated, under the signature of Hyperion.

‘After what has been said and wrote on both sides of the Atlantic, upon colony affairs; after the most perspicuous demonstration of the illegality and ill policy of the measures pursued against this continent; it would be an affront to the understanding to attempt setting the matter in a clearer point of view. The meanest capacity must perceive, the remotest peasant in the wilds of America must feel, the consequences.

‘British taxations, suspensions of legislatures, and standing armies, are but some of the clouds, which overshadow the northern world. Heaven grant that a grand constellation of virtues may shine forth with redoubled lustre, and enlighten this gloomy hemisphere!

‘If ever there was a time, this is the hour, for Americans to rouse themselves, and exert every ability. Their all is at a hazard, and the die of fate spins doubtful! In vain do we talk of magnanimity and heroism, in vain do we trace a descent from the worthies of the earth, if we inherit not the spirit of our ancestors. Who is he, who boasteth of his patriotism? Has he vanquished luxury, and subdued the worldly pride of his heart? Is he not yet drinking the poisonous draught, and rolling the sweet morsel under his tongue? He, who cannot conquer the little vanity of his heart, and deny the delicacy of a debauched palate, let him lay his hand upon his mouth, and his mouth in the dust.

‘Now is the time for this people to summon every aid, human and divine; to exhibit every moral virtue, and call forth every christian grace. The wisdom of the serpent, and the innocence of the dove, and the intrepidity of the lion, with the blessing of God, will yet save us from the jaws of destruction.

‘Where is the boasted liberty of Englishmen, if property may be disposed of, charters suspended, assemblies dissolved, and every valued right annihilated, at the uncontrollable will of an external power? Does not every man, who feels one ethereal spark yet glowing in his bosom, find his indignation kindle, at the bare imagination of such wrongs? What would be our sentiments, were this imagination realised?

‘Did the blood of the ancient Britons swell in our veins, did the spirit of our forefathers inhabit our breasts, should we hesitate a moment in preferring death to a miserable existence in bondage?

Did we reflect on their toils, their dangers, their fiery trials, the thought would inspire unconquerable courage.' pp. 19—21.

In October, 1769, he married the eldest daughter of William Phillips, Esquire, an eminent merchant in Boston.

'In this connexion, the result of an early attachment, Mr Quincy found a companion, possessed of an intellect and spirit, capable of appreciating and supporting his own character and virtues. During his life she was the confidant of his noble views, and entering, with like ardor, into his political course, cheerfully submitted to the privations it induced, encouraging him with all her influence to risk the perils to which his open, undisguised zeal in the cause of his country, at that time, were thought to expose him and his family. She survived her husband three and twenty years; his fame and memory being the chief solace of her life; and the perfect fulfilment of parental duty to their surviving child, its only object.' p. 29.

The professional eminence of Mr Quincy prompted an immediate application to him to assist in the defence of Captain Preston, and eight soldiers of the 29th British regiment, charged with the murder of five citizens of Boston, in the bloody tragedy of the 5th of March, 1770. His sense of duty, as a lawyer, impelled him to yield to the request, and in this course, he had the support of his distinguished copatriot, John Adams, who was senior counsel in that memorable defence. Mr Quincy's father, having heard reports of his engagement for the prisoners, wrote an anxious letter of inquiry on the subject. The son's reply, (p. 36,) is respectful and affectionate, but decided as to the course of conduct on the occasion, which he had determined to adopt.

The published account of the trial contains Mr Quincy's able and eloquent argument at length; which is also given in this volume. It discovers great ingenuity, and beauty of sentiment and expression, and we cannot but notice the address with which he not only avoids embarrassment, from his well known political character, but finds occasion to introduce trains of thought connecting the grounds of defence with his political opinions and doctrines.

Captain Preston, who was tried separately, and six of the soldiers, were acquitted. Two of the soldiers were convicted of manslaughter.

In 1771 and 1772, Mr Quincy's labors, as a political writer, were incessant, and all his performances in the great pub-

lic cause, in which he engaged, 'breathed that bold, ardent, and vehement spirit, which characterised his life, speeches, and writings.' These exertions, with his professional labors, exhausted his strength, and enfeebled a frame naturally not robust. In the latter part of 1772, such decided symptoms of pulmonary disease were manifested, that he found it necessary for a time to abandon the field of debate, and to repair to a more southern climate. On the eighth of February, 1773, he embarked for Charleston. On the same day, he commenced a Journal, from which the author of the Memoir has enriched his volume with many extracts. The generous reader will readily sympathise with the interesting valetudinarian throughout the whole of his tour, from his affectionate impressions as he sails down the harbor of Boston, in view of the shades of Braintree, the cherished abode of his childhood, and the residence of a beloved parent, until his return. A severe storm, which occurred when the packet was within thirty leagues of the destined port, is feelingly depicted. The tremendous gale was attended with rain, hail, snow, and sleet, and continued with few and inconsiderable intermissions, for five successive days.

Mr Quincy arrived safely at Charleston, February 28th. His first impressions of that flourishing city were favorable, and every day of his residence, and of his intercourse with its kind and polished inhabitants, afforded additional sources of gratification. He remained in Charleston, until March 25th, when he proceeded homeward by land, visiting North Carolina, Virginia, Maryland, Pennsylvania, New Jersey, and New York, noticing objects worthy of attention, in reference to soil, cultivation, productions, commerce, manners and customs, political and civil institutions, and cultivating an acquaintance with many eminent men, particularly with those who had engaged with interest in the cause which he had so much at heart.

At New York he took passage for Newport, passing down the Sound, without visiting Connecticut, and arrived home about the middle of May. During this brief absence, his active mind, surmounting the disease with which he was afflicted, was busily engaged, and the remarks in his journal, on men and things, give abundant evidence of discrimination and just discernment, and of the generous and lofty spirit

with which he was animated. In South Carolina, he became acquainted with Lavinus Clarkson, David Deis, T. L. Smith, John Mathews, Miles Brewton, Charles C. Pinckney, E. Rutledge, Messrs Bee, Parsons, Simpson, and Scott, (the seven last mentioned all gentlemen of the bar,) Roger Smith, Thomas Lynch, J. Rutledge, Charles Pinckney senior, and J. Allston. C. C. Pinckney and E. Rutledge, were, at that time, just returned from England, where they had pursued their legal studies, and had taken the degree of Barrister. Mr Quincy was much in the society of these gentlemen, and received from them many polite attentions. 'I was much entertained,' he observes, 'with Mr Pinckney's conversation, who appeared a man of brilliant natural powers, and improved by a British education at the Temple.' Mr Rutledge possessed a manuscript collection of Reports, which Mr Quincy, from his devotedness to his profession, found time to copy, amidst his many social engagements, in that hospitable city.

In North Carolina he visited William Hill, 'a most sensible, polite gentleman, and though a crown officer, a man replete with sentiments of general liberty, and warmly attached to the cause of American freedom,' Colonel Dry, Dr Cobham, at whose house in Wilmington, he dined, with Messrs Harnett, Hooper, Burgwin, and Dr Tucker. Mr Harnett he describes as the 'Samuel Adams of North Carolina, except in point of fortune.' At Newbern he visited Judge Howard; breakfasted with Colonel Buncombe, of Tyrrell county, and at Edenton spent his time 'in dining and conversing with the most celebrated lawyers.'

On the 6th of April, our traveller entered Virginia. We cannot but regret that Mr Quincy failed of an interview with the distinguished congenial characters in Virginia, from whom he would doubtless have received a most cordial reception. In Maryland he was occupied with attending the courts of law; he mentions no gentleman to whom he was introduced, but Daniel Dulany, the Attorney General. On the 23d of April he entered Pennsylvania, and appears to have been particularly pleased with all he saw in that flourishing province. In Philadelphia he received civilities from Dr Shippen, Thomas Smith, Mr Dickinson, author of the *Farmer's Letters*, Mr Galloway, Speaker of the House, Joseph Reed, Jonathan B.

Smith, Chief Justice Allen and his sons, Jared Ingersoll, and Peter Wycoff. His visit to Mr Dickinson is thus briefly communicated.

‘May 3d. The morning of this day spent in reading, and amusements of the itinerary kind. Dined with John Dickinson Esq. the celebrated Pennsylvania “Farmer,” at his country seat, about two miles and a half from town. A large company were very elegantly entertained. This worthy and able politician (for such he is, though his views and disposition lead him to refuse the latter appellation) here enjoys “otium cum dignitate” as much as any man.’ p. 133.

Mr Quincy would willingly have protracted his visit in Pennsylvania, but finding a friend from New England, who was returning home, and desirous of his company, he left Philadelphia on the 9th of May. The travellers passed rapidly through New Jersey. At New York he made but few observations. He mentions a visit to the theatre, an establishment then a novelty in this country. On the performance, and on the character and tendency of theatrical amusements, he has the following remarks.

‘May 11th. Breakfasted with Major Bayard; received a few complimentary visits, and an invitation to dine with Colonel William Bayard, at his seat in the country. Went to the theatre in the evening, saw the *Gamester* and the *Padlock* performed. The actors make but an indifferent figure in tragedy, a much better in comedy. Hallam has merit in every character he acts. I was, however, upon the whole, much amused; but as a citizen and friend to the morals and happiness of society, I should strive hard against the admission, and much more the establishment of a theatre, in any state of which I was a member.’ pp. 138, 139.

The journal of this tour closes with these observations.

‘What I have set down will be chiefly useful to myself. A bird of passage may easily collect, peradventure bear away, food for itself; but can transport on its fleeting tour very little, if anything, of sufficient solidity for the nourishment of others.

‘Were I to lament anything, it would be the prevalent and extended ignorance of one colony of the concerns of another; were I to breathe a wish, it would be, that the numerous and surprisingly increasing inhabitants of this extensive and fertile continent, may be thoroughly attentive to, and suitably actuated by, the blessings of Providence, the dangers which surround them, and the duties they owe to God, themselves, and posterity.’ pp. 140, 141.

Soon after Mr Quincy's return to Boston, a disclosure was made of the letters of Bernard, Hutchinson, and other crown officers, which had been transmitted from England by Dr Franklin. Mr Quincy partook, in full measure, of the indignant excitement produced by that communication, and wrote a series of essays on the subject, under the signature of 'Marchmont Nedham.' A paragraph from one of these essays is quoted in the Memoir, from which we may form a judgment of the style and temper of the whole. 'If to appear for my country is treason, and to arm for her defence is rebellion,—like my fathers, I will glory in the name of rebel and traitor,—as they did in that of puritan and enthusiast.'

An acquaintance which he had made with George Clymer, of Philadelphia, distinguished in the annals of his country for enlightened patriotism, sound judgment, and undeviating integrity, produced a letter from that gentleman (p. 144) on the politics of the day, in July, 1773, soon after a return from a visit to Boston, to which Mr Quincy replied in his characteristic manner.

In May, 1774, Mr Quincy published 'his chief political work,' Observations on the Act of Parliament commonly called the Boston Port Bill, with thoughts on Civil Society, and Standing Armies. It is a bold and spirited performance, exposing in strong and indignant language the threatened vengeance on the town of Boston; and on the concluding topics, Civil Society and Standing Armies, discovering most industrious research into various sources of information, historical, legal, or political, having a bearing on the subject; an extent of investigation not to have been expected in a sudden production, as he declares it to be, 'from one of infirm health, perplexed with various avocations.' It was dedicated to the Freeholders and Yeomanry of the Country. 'In you, Gentlemen,' said he, 'as the landed interest of the country, do I place my confidence, under God, at this day.' He did not live to witness the conflict, which, it is evident from his writings, he anticipated. When that serious crisis arrived, the freeholders and yeomanry of the country did not disappoint his expectations. When this work was advertised as being in the press, the author received an anonymous letter from the British Coffee House, in which he



was represented as being 'in imminent hazard of the loss of life and confiscation of estate.' 'There is,' said the writer, 'but one expedient left to save you—Employ, for God's sake, those rare talents with which he hath blessed you, in convincing the people, that they have nothing to do, but to submit, and make their peace with government. You may by this means, probably, make your peace, and ward off the punishment that hangs over your head.' To this address Mr Quincy thought it proper to pay more attention, than is usually given to anonymous communications. He immediately published a reply in the *Massachusetts Gazette*. 'The danger and the wrongs of my country,' said he, 'are to me equally apparent. In all my public exertions, I feel a sense of right and duty, that not only satisfies my conscience, but inspires my zeal. While I have this sentiment, I shall persevere, till my understanding is convinced of its error; a conviction that will not be wrought by the arm of power, or the hand of an assassin. Threats of impending danger, communicated by persons who conceal their name and character, ought never to deter from the path of duty; but exciting contempt rather than fear, they will determine a man of spirit to proceed with new vigor and energy, in his public conduct.'

Soon after the execution of the Port Bill had commenced, Mr Quincy received letters from Mr Clymer and Mr Dickinson, on the state of affairs, and communicating the feelings and opinions prevailing in Pennsylvania, and in other colonies, on the sufferings and proceedings of the Bostonians. The following is an extract of a letter from him to Mr Dickinson, dated Boston, August 20, 1774.

'At the urgent solicitation of a great number of warm friends to my country and myself, I have agreed to relinquish business, and embark for London, and shall sail in eighteen days certainly. I am flattered by those who perhaps place too great confidence in me, that I may do some good the ensuing winter, at the court of Great Britain. Hence I have taken this unexpected resolution. My design is to be kept as long secret as possible,—I hope till I get to Europe. Should it transpire that I was going home, our public enemies here would be as indefatigable and persevering to my injury, as they have been to the cause in which I am engaged, heart and hand; perhaps more so, as personal pique would be added to public malevolence.

‘I would solicit, earnestly, intelligence from you, sir, while in London. I shall endeavor to procure the earliest information from all parts of the continent. As I propose dedicating myself wholly to the service of my country, I shall stand in need of the aid of every friend of America; and believe me, when I say, that I esteem none more capable of affording me that aid, than those who inhabit the fertile banks of the Delaware.’ p. 173.

Mr Quincy’s intention of a voyage to England, was communicated only to his relations and a few political friends. He embarked privately at Salem, on the 28th of September, 1774, carrying with him suitable letters of introduction to those characters, with whom he wished to become acquainted. The celebrated Congress of 1774 was then setting at Philadelphia. Samuel Adams and John Adams were members of that body. From John Adams he received an affectionate letter before his departure. Samuel Adams, in a letter to Rev. Dr Chauncy, observed, that Mr Quincy had informed him of his intended voyage. ‘I am persuaded,’ he adds, ‘he may do great service there.’ The particular objects in view do not appear to be specified. The plan was evidently urged by the political friends in whom he had most confidence. It was probably for the purpose of personally gaining and communicating such information, as could not prudently be communicated by letter, to counteract representations which might be made by governor Hutchinson and others, who had then recently repaired to England, and perhaps with the hope of some salutary impression on members of the government, or other men of influence, from one who had so many points of character to recommend him. He landed at Falmouth on the 8th of November, and made the following entry in the journal, which he began at the commencement of the voyage.

‘Having reached the famous island of Great Britain, I am prone to contemplate the glorious deeds that have made it immortal,—but alas! my affections and my duty call me to consider the state of my native country.’ p. 221.

On the same day he wrote to Mrs Quincy, concluding a letter which he had commenced some time previously at sea. To this lady almost all his letters written whilst in England, and which appear in the Memoir, are addressed. They are almost wholly on political topics, manifesting the interest taken by that intelligent lady in the high concerns, to which her

husband was devoted. They were designed also, as is often expressed, for communication to a circle of political friends. His health, we find by the first letters, was improved by the voyage, and he immediately engaged in active attention to every object of interest around him.

‘November 9th. Proceeded from Falmouth to Bodmyn, twenty-two miles. Passed through the town of Pendryn, and several small villages. The roads lilly and good, affording agreeable riding, and delightful land prospects. The cultivation of the land can scarcely be realised by a mere American; it is to a wonderful perfection. The first reflection upon the immense labor that must be bestowed on these fields was, where the men lived, who did the work. Extensive fields, highly tilled, without a house. This was an object, which occurred almost every hour. The villages in which the laborers and peasantry chiefly reside, are built of small stones and clay, generally miserable accommodations for honest labor. The lower orders of people are servile in their obeisance, and despondent in their appearance.

‘I could not help remarking, that if the little liberty diffused through Britain, could give such a beautiful face to nature, what would be the appearance, if there was as much general liberty, as was consistent with that fundamental principle of social policy, “the greatest happiness of the greatest number.”’

‘November 11th. Though a very cold and stormy day, I viewed Plymouth Docks, and went on board and all over the Royal George, a first rate, pierced for two hundred and ten, and carrying two hundred guns. The ropewalks, buildings, armory, arsenal, naval and warlike stores, exceed the power of the human mind to conceive, that doth not actually behold.

‘I will not attempt to describe what I could scarcely realise to be true, while I was actually viewing. My ideas of the riches and powers of this great nation are increased to a degree I should not have believed, if it had been predicted to me.

‘I also saw many 64, 74, 80, and 100 gun ships; and went on board a loaded Indiaman just arrived; but this, being after viewing the preceding magnificence, did not much move me. The various materials, and the several degrees of building, from the laying of the keel, to the finishing an hundred gun ship, which were very carefully viewed by me, in several instances, excited an astonishment I never before experienced.’ pp. 224—226.

The impressions of national strength, which the view of these and other specimens of power and magnificence pro-

duced, do not appear to have excited discouraging apprehensions of the fate of his country's cause, in the event of a resort to arms, but the whole tenor of his correspondence, whilst in England, manifests a persuasion that such would be the issue of the controversy, and firm confidence in the result. On the 17th of November he arrived in London. We copy the following entries in his journal on that day.

'I was visited by Messrs Thomas Bromfield, C. Dilly, and J. Williams, from all of whom I received many civilities. Waited upon Dr Franklin, and drank tea with him. He appears in good health and spirits, and seems warm in our cause, and confident in our ultimate success. I find many friends to liberty and America, rejoiced on notice of my arrival.' pp. 227, 228.

On the same day he thus writes to Mrs Quincy ;

'About ten hours ago, I arrived in this great city, and am now at my lodgings, near the Hay Market. With you, and my friends, the first object and inquiry will be about my health and spirits. In one word (for just now I am a man of too much business to use many) they are both surprisingly fine,—rather bordering upon extravagance, than under par. Indeed, how could they be otherwise? From sea, I landed in fine health, and have now finished a most delightful journey of three hundred miles. The scenes of Plymouth Docks, Stonehenge, Wilton House (containing the statues and paintings of the Earl of Pembroke,) exceed all description ; nay, I will venture to say, that the imagination stretched to its utmost limits, cannot form any idea of their grandeur, without a view. The same may be said of Exeter and Salisbury cathedrals.—But why do I waste time upon any other subject, than my country ?

'I have spent about two hours today with Dr Franklin. He appears the stanch friend of America, and confident of the ultimate success of its friends. He has promised me his patronage, and I have reason to believe him sincere. He inquired particularly after "his old friend," my father.' pp. 228, 229.

The residence of such a man as Mr Quincy in England, and his observations on men and things, in that interesting country, cannot but be highly engaging to every liberal mind. No reader of that description will be satisfied, without a perusal of his entire journal and correspondence during his visit, and the subject gains great additional importance with every American, from its reference to a most important period in our eventful history. We have only space for the admission of a few particulars noted in the journal.

‘ November 18th. This morning, J. Williams, Esquire, inspector of the customs in the Massachusetts Bay, waited upon me, and we had more than an hour’s private conversation together. He informed me, that Governor Hutchinson had repeatedly assured the ministry that a union of the colonies was utterly impracticable; that the people were greatly divided among themselves, in every colony; and that there could be no doubt, that all America would submit, and that they must, and moreover would, soon.

‘ Dined with Doctor Franklin, in company with Doctor Bancroft and Mr Williams. Doctor Franklin confirmed the account given by Mr Williams relative to Governor Hutchinson, so far as that several of the nobility, and ministry, had assured him of the same facts.

‘ November 19th. Early this morning J. Williams, Esquire, waited upon me with the compliments of Lord North, and his request to see me this morning. I went about half past nine o’clock, and found Sir George Savil (as Mr Williams informed me) in the levee room. After a short time his lordship sent for Mr Williams and myself into his apartment. His reception was polite, and with a cheerful affability his lordship soon inquired into the state, in which I had left American affairs. I gave him my sentiments upon them, together with what I took to be the causes of most of our political evils;—gross misrepresentation and falsehood. His lordship replied, he did not doubt there had been much; but added, that very honest men frequently gave a wrong statement of matters through mistake, prejudice, prepossessions, and biases, of one kind or other. I conceded the possibility of this, but further added, that it would be happy, if none of those who had given accounts relative to America had varied from known truth, from worse motives.

‘ We entered largely into the propriety and policy of the Boston Port Bill. In the conversation upon this subject I received much pleasure. His lordship several times smiled, and once seemed touched. We spoke considerably upon the sentiments of Americans, of the right claimed by Parliament to tax,—of the destruction of the tea,—and the justice of payment for it. His lordship went largely and repeatedly into an exculpation of the ministry. He said they were obliged to do what they did; that it was the most lenient measure that was proposed; that if administration had not adopted it, they would have been called to an account; that the nation were highly incensed, &c.

‘ Upon this topic I made many remarks with much freedom and explicitness, and should have said more, had not his lordship’s propensity to converse been incompatible with my own loquacity. His lordship more than thrice spoke of the *power* of Great Britain,

of their determination to exert it to the utmost, in order to effect the submission of the colonies. He said repeatedly, "We must try what we can do to support the authority we have claimed over America. If we are defective in power, we must sit down contented, and make the best terms we can, and nobody then can blame us, after we have done our utmost; but till we have tried what we can do, we can never be justified in receding. We ought, and we shall be very careful not to judge a thing impossible, because it may be difficult; nay, we ought to try what we can effect, before we determine upon its impracticability." This last sentiment, and very nearly in the same words, was often repeated,—I thought I knew for what purpose.

His lordship spoke also upon the destruction of the Gaspee, and in direct terms twice said, that the commissioners were appointed to try that matter, and had transmitted accounts that they could obtain no evidence. This declaration being in flat contradiction to what I had several times heard Chief Justice Oliver declare to be the case from the bench, when giving his charges to the grand jury, was particularly noticed by me. His Honor ever most solemnly declared, in public and private, that the commission was to inquire whether any such event had happened, in order to send word to England, that so a trial might, or might not be ordered, as the evidence might be; and in the most express terms declared the commissioners had no power to try.

In the course of near two hours' conversation, many things more passed between us. As many letters and messages were delivered to his lordship while I was present, I several times rose to depart, telling his lordship I was afraid I should trespass on his patience, or the concerns of others; but being requested to stay, I remained about two hours and then rose to go, but his lordship kept standing, while he continued his conversation with his usual spirit. Upon my departure he asked me when I should leave England. I told him it was uncertain,—but imagined not this twelvemonth. He hoped the air of the island would contribute to my health, and said he thought the most unhealthy months were past; and then saying, "I am much obliged to you for calling on me," we left each other to our meditations.' pp. 231—236.

November 23d. Dined with Messrs Dilly, and a few friends of liberty, and spent the residue of the day in delivering letters. At night Mr Inspector Williams waited on me, with the compliments of Lord Dartmouth, and requested my waiting on him tomorrow at ten o'clock. Mr Williams gave me a curious account of a conversation with his lordship relative to my "Observations." Received the compliments of Governor Pownall to breakfast with him.

‘November 24th. Waited upon Lord Dartmouth, and had about an hour and a half conversation with him. I was convinced that the American and British controversy would be much sooner, and much more equitably settled, if it were not for the malevolent influence of a certain Northern personage now in Great Britain.

‘Lord Dartmouth being called out for a few minutes to attend the physicians of his lady, made his apology, and taking up a pamphlet that lay on his table said, “I would entertain you with a pamphlet (‘Observations on the Port Bill,’) during my absence, but I fancy you have seen *this*. I think you know the author of it.” His lordship bowed with a smile, which I returned, and he retired for a few minutes. \* \*

‘Was introduced by Doctor Franklin and Doctor Price, and spent part of the afternoon and evening with the Royal Society. Spent the residue of the evening with a club of friends of liberty at the London coffee-house. Was there introduced, by Doctor Franklin and Doctor Price, to Mr Alderman Oliver, Mr Vaughan, eight or nine dissenting clergymen, and several other gentlemen.

‘I find the most sanguine hopes of good from the spirit of the Americans, and the most ardent wishes for their success.’ pp. 240, 241.

‘November 24th. The manufacturers begin to feel,—they know, they acknowledge, they must feel severely; and if you persevere, they must be ruined. But what are these men,—what are the body of this people? *The servants of their masters*. How easy it is for the ministry to frown or flatter them into silence. How easy to take the spoils of the nation, and, for a season, fill the mouths of the clamorous. It is true, your perseverance will occasion, in time, that hunger which will break through stone walls. But how difficult is it, how impracticable is it, for *mere commercial virtue* (if indeed it have any existence) to persevere. I repeat, therefore,—depend not upon this scheme for your deliverance. I do not say renounce it,—I say continue it; but look towards it in vast subordination to those noble, generous, and glorious exertions which *alone* can save you.’—*Letter to Mrs Quincy*. p. 248.

‘November 27th. Doctor Franklin is an American in heart and soul. You may trust him;—his ideas are not contracted within the narrow limits of exemption from taxes, but are extended upon the broad scale of total emancipation. He is explicit and bold upon the subject, and his hopes are as sanguine as my own, of the triumph of liberty in America. It would entertain you, if I could spare time to relate all that is said of me and my designs; but I have no leisure for amusements of this kind.’—*Letter to Mrs Quincy*. p. 250. \*

‘December 6th. About ten this morning Mr Commissioner Morris waited on me, and staid an hour and a half. His conversation was much on the propriety of my laying down some line of conduct, to which the colonies would accede, and by which the present controversy might be amicably adjusted. He urged much my waiting *again* upon Lord North and Lord Dartmouth, and insisted upon the propriety and expediency of this step. I thought I could discern the origin and drift of this curious discourse.’ p. 253.

‘There never was a time in which I wished more “to speak without a tongue,” and “to be heard without ears;” then, as Shakspeare expresses it, “in despite of broad-eyed, watchful day,” “I would into thy bosom pour my thoughts.” This kingdom never saw a time, in which the minds of all ranks were more upon the rack with expectation; and when I tell you that yesterday in the coffee-room adjoining the House of Commons, one of the ministerial members offered to lay a wager of seventyfive guineas to twentyfive, THAT BOSTON WAS NOW IN ASHES,—you will not think my own bosom free from anxiety! It is now more than two months, since any advices have been received from America, of the state of things in your province.’—*Letter to Mrs Quincy.* p. 255.

‘December 12th. At the desire of Lord Shelburne (transmitted by Doctor Price) I waited on his lordship, and spent two hours in conversation on American affairs. His lordship appeared a very warm friend to the Americans, approved much of their conduct and spirit, and said if they continued united they must have all they ask. He said the ministry would not be able to carry on a civil war against America; that they began to hesitate and would be obliged to give way.

‘His lordship confirmed my former intelligence of Governor Hutchinson’s assiduity, assurance, and influence, but in the end observed that the eyes of the nation and ministry must soon be opened. He particularly said that Lord Mansfield, last session, assured the House of Lords, that the plan they had laid would go down in America, *sine clade*; and affirmed that he had the best intelligence what might be carried through there. Lord Shelburne intimated, that he had no doubt Lord Mansfield’s opinion was grounded on Governor Hutchinson’s information. I had before had a very similar account of Lord Mansfield’s declarations in the House, from Mr Counsellor Allyne and Mr Arthur Lee.’ pp. 264, 265.

‘Let me tell you one very serious truth, in which we are all agreed, *your countrymen must seal their cause with their blood.* You know how often, and how long ago I said this. I see every day more and more reason to confirm my opinion. I every day find characters dignified by science, rank, and station, of the same sentiment. Lord —— said to me yesterday, “It is idle, it is



idle, Mr ——; this country will never carry on a civil war against America, we cannot, but the ministry hope to carry all by a single stroke." I should be glad to name the lord, but think it not best. Surely my countrymen will recollect the words I held to them this time twelvemonth. "It is not, Mr Moderator, the spirit that vapors within these walls that must stand us in stead. The exertions of this day will call forth events which will make a very different spirit necessary for our salvation. Look to the end. Whoever supposes that shouts and hosannas will terminate the trials of the day, entertains a childish fancy. We must be grossly ignorant of the importance and value of the prize for which we contend; we must be equally ignorant of the powers of those who have combined against us; we must be blind to that malice, inveteracy, and insatiable revenge, which actuate our enemies, public and private, abroad and in our bosom, to hope we shall end this controversy without the sharpest—the sharpest conflicts; to flatter ourselves that popular resolves, popular harangues, popular acclamations, and popular vapor, will vanquish our foes. Let us consider the issue. Let us look to the end. Let us weigh and consider, before we advance to those measures which must bring on the most trying and terrible struggle, this country ever saw."

'Hundreds, I believe, will call these words, and many more of the same import, to remembrance. Hundreds, who heretofore doubted, are long ere this convinced I was right. The popular sentiments of the day prevailed; they advanced with "resolutions" to hazard and abide the consequences. They must now stand the issue,—they must preserve a consistency of character,—THEY MUST NOT DELAY,—they must \_\_\_\_\_ or be trodden into the vilest vassalage, the scorn, the spurn of their enemies, a byword of infamy among all men.'—*Letter to Mrs Quincy.* pp. 266—268.

'December 14th. Spent the evening with Mr Sayre, in company with Doctor Franklin and others. In the course of conversation Doctor Franklin said, that more than sixteen years ago, long before any dispute with America, the present Lord Camden, then Mr Pratt, said to him, "For all what you Americans say of your loyalty, and all that, I know you will one day throw off your dependence on this country; and notwithstanding your boasted affection for it, you will set up for independence." Doctor Franklin said, that he assured him no such idea was entertained by the Americans, nor will any such ever enter their heads, unless you grossly abuse them. "Very true," replied Mr Pratt, "that is one of the main causes I see will happen, and will produce the event."'

pp. 269, 270.

'Permit me to congratulate my countrymen on the integrity and wisdom with which the Congress have conducted. Their policy,

spirit, and union have confounded their foes, and inspired their friends. All parties agree in giving them a tribute of honor and applause.' 'You cannot well imagine the chagrin with which the ministry received the result of that glorious body. They are viewed as the northern constellation of glorious worthies, illuminating and warming the new world. I feel a pride in being an American. Neither my affection nor zeal, in any degree, abates in the cause of my injured country.

'Doctor Price desires his very warm thanks to Doctor Winthrop for his letter, which has been read in Parliament, and did much good.'—*Letter to Mrs Quincy.* pp. 271—273.

'My dear sir, before I close, I cannot forbear telling you that I look to my countrymen with the feelings of one, who verily believes they must yet seal their faith and constancy to their liberties, with blood. This is a distressing witness indeed! But hath not this ever been the lot of humanity? Hath not blood and treasure in all ages been the price of civil liberty? Can Americans hope a reversal of the laws of our nature, and that the best of blessings will be obtained and secured without the sharpest trials?

'Adieu, my friend,—my heart is with you, and whenever my countrymen command, my person shall be also.'—*Letter to Joseph Reed.* p. 281.

'January 2d. This evening I had two hours' conversation with Colonel Barré, and from him I learned that he was once the friend of Mr Hutchinson, in opposition to Governor Pownall, but that he had for a long time, and especially since his last arrival in England, wholly deserted him. Colonel Barré, while we were viewing the pictures taken from ruins found at Herculaneum, said, "I hope you have not the books containing the draughts of those ruins with you." I replied, there was one set, I believed, in the public library at our college. "Keep them there," said he, "and they may be of some service as a matter of curiosity for the speculative, but let them get abroad, and you are ruined. They will infuse a taste for buildings and sculpture, and when a people get a taste for the fine arts, they are ruined. 'Tis taste that ruins whole kingdoms; 'tis taste that depopulates whole nations. I could not help weeping when I surveyed the ruins of Rome. All the remains of Roman grandeur are of works, which were finished when Rome and the spirit of Romans were no more, unless I except the ruins of the Emilian baths. Mr Quincy, let your countrymen beware of taste in their buildings, equipage, and dress, as a deadly poison."

'Colonel Barré also added in the course of conversation, "About fifteen years ago, I was through a considerable part of your country; for in the expedition against Canada, my business called me to pass by land through Pennsylvania, New Jersey, New York, and Albany. When I returned again to this country, I was often

speaking of America, and could not help speaking well of its climate, soil, and inhabitants; for you must know, sir, America was always a favorite with me; but will you believe it, sir, yet I assure you it is true, more than two thirds of this island at that time thought the Americans were all negroes!"

'I replied I did not in the least doubt it, for that if I was to judge by the late acts of parliament, I should suppose that a majority of the people of Great Britain still thought so; for I found that their representatives still treated them as such. He smiled, and the discourse dropped. Colonel Barré was among those, who voted for the Boston Port Bill.' pp. 289, 290.

The part taken by Colonel Barré on the Port Bill, has appeared strangely inconsistent with his uniform conduct, in every other instance, on American affairs. He partook, it appears, of the general indignation excited in England, by the destruction of the tea in Boston. It was considered as a culpable violation of private property, and unworthy of the high principle, which had gained to the American cause many distinguished advocates in England. Dr Franklin was so impressed with the unfavorable influence produced by this incident, that he wrote to influential men in Massachusetts, earnestly recommending payment for the property destroyed. This would probably have been done, if the severe measure of the Port Bill had not been so immediately adopted, or even afterwards, if the terms of that act had not precluded any hope or expectation of relaxation, though such payment should have been made.

Again, writing to Mrs Quincy, January 11, 1775, he says;

'In the nation you have many friends and hearty well wishers to your cause. The lords and commons are—*what they are*; but ANOTHER CHARACTER is in principle your adversary, and will never be reconciled to your deliverance, till he sees, what, peradventure, he will not wait long for, a spirit going forth, which compels rulers to their duty. I shall take care to keep you constantly informed of events as they rise. Very important ones must occur in a short time. The stanch friends of our country are here in high spirits. I should flatter your national vanity, if I told you all that is said and thought of Americans at this day; but the sentiments of this people are as fluctuating, and sometimes as boisterous as the ocean.' pp. 303, 304.

'January 20th. Attended the debates in the House of Lords. Good fortune gave me one of the best places for hearing, and taking a few minutes.

‘ Lord Chatham rose like Marcellus,—*Viros supereminet omnes*. He seemed to feel himself superior to those around him. His language, voice, and gesture were more pathetic, than I ever saw or heard before, at the bar or senate. He seemed like an old Roman senator, rising with the dignity of age, yet speaking with the fire of youth. The illustrious sage stretched forth his hand with the decent solemnity of a Paul, and rising with his subject, he smote his breast with the energy and grace of a Demosthenes.

‘ This great and astonishing character opened with some general observations, on the importance and magnitude of the present American quarrel, (as he called it). He enlarged upon the dangerous and ruinous events, that were coming upon the nation, in consequence of the present dispute, and of the measures, already begun and now carrying on by his majesty’s ministers. He arraigned their conduct with great severity and freedom. pp. 318, 319.

Lord Chatham’s speech is given at length in the journal, from Mr Quincy’s notes taken at the time. He afterwards remarks, that he had great satisfaction in reading his reports of the debates in the House of Lords, to one or two friends who heard them, that they thought them very correct, and spoke of the blunders, omissions, and misrepresentations of the printed accounts. Dr Franklin, in a letter to Mr Quincy’s father, observes, ‘ The notes of the speeches taken by your son, whose loss I shall ever deplore with you, are exceedingly valuable, as being by much the best account preserved of that day’s debate.’

We continue the extracts from the journal.

‘ Lord Camden (undoubtedly the first common lawyer in England) spoke next on the side of America, and in support of the motion. He equalled Lord Chatham in everything but that fire and pathos, which are the *forte* of his lordship. In learning, perspicuity, and pure eloquence, probably no one ever surpassed Lord Camden.’ p. 329.

‘ The Marquis of Rockingham also supported the motion. ‘ Lords Littleton, Suffolk, Gower, Townsend, Rochford, and Weymouth, spoke in opposition. I omit stating what their lordships said, lest I should be suspected by any, who may see this journal, of an unfair report of their speeches. But a very remarkable saying of Lord Gower I cannot omit. His lordship said, “ My lords, I am for *enforcing* these measures; and” (with great *sneer* and *contempt*) “ let the Americans sit talking about their natural and divine rights! their rights as men and citizens! their rights from God and nature!”

‘The Duke of Richmond, in the course of his speech, said, “Some nobles seem to think that regular troops can easily vanquish raw soldiers. But, my lords, discipline was intended only as a substitute for what the Americans have already; attachment to their cause, virtue to inspire, a common cause, their all, to keep them to their duty. Americans will keep to their duty without discipline. They will keep to their standard without fear of discipline in case they desert it. My lords, Americans have the substance of what discipline is only the shadow. Discipline is only the substitute for a common cause, to attach through fear, and keep to their ranks and standard those, who would otherwise desert them. But, my lords, suppose you succeed, you cannot enforce these acts; you cannot force a government upon any people. You may spread fire, sword, and desolation, but that will not be government. You must change your places as you make your march of destruction. When you leave one place to subdue another, your government is gone.”

“You cannot force men to serve in office. You cannot force men to be counsellors, judges, or sheriffs. You cannot compel jurors to sit on trial. You cannot force juries to present offences; in short, no people can ever be made to submit to a form of government they say they will not receive.”

‘The house divided on the question about ten, after the preceding debates. Contents, eighteen; noncontents, seventyseven, including proxies.\*

‘The Duke of Richmond, Lord Shelburne, and Lord Camden, pledged themselves to attend at all hazards, and at all times, as Lord Chatham had done.’ pp. 333—335.

‘January 23d. Attended a long debate in the House of Commons on American affairs. Speakers for the Americans; Burke, Johnston, Charles Fox, T. Townsend, Lord J. Cavendish, Captain Lutterell, Alderman Sawbridge, &c.—eightytwo. Against the Americans; Sir William Meredith, Lord North, Lord Clare, Sir George Macartney, Sir G. Eliot, Lord Stanley, &c.—total one hundred and ninetyseven.

‘This debate and division show that if king, lords, and commons can subdue America into bondage, against the almost universal sentiment, opinion, wish, and hope of the Englishmen of this island, the deed will be done.’ p. 337.

‘It is a good deal against my own private opinion and inclination, that I now sail for America. I have had no letter from there since they knew of my arrival. I know not what my next letters may contain. Besides the fine season is now coming on here, and

\* The question was on Lord Chatham’s motion, for an address to the King, for the removal of his majesty’s forces from the town of Boston.

Dr Fothergill thinks Bristol air and water would give me perfect health.

‘On the other hand, my most intimate friends (except Mr Bromfield) insist upon my going directly to Boston. They say, no letters can go with safety, and that I can deliver more information and advice *vivâ voce*, than could or ought to be written. They say, my going now must be (if I arrive safe) of great advantage to the American cause.

‘March 1st. On this day I had about an hour and a half of private conversation with Dr Franklin, on the subject of the present situation of American affairs, and what course America, and especially New England, ought now and during the spring and summer to hold.’ p. 340.

‘March 3d. This day being the day before my departure, I dined with Dr Franklin, and had three hours private conversation with him. Dissuades from France or Spain. Intimate with both the Spanish and French ambassadors, the latter a shrewd, great man. By no means take any step of great consequence, unless on a sudden emergency, without advice of the continental Congress. Explicitly, and in so many words, said, that only New England could hold out for ages against this country, and if they were firm and united, in *seven years* would conquer them.

‘Said, he had the best intelligence that the manufacturers were bitterly feeling, and loudly complaining of the loss of the American trade. Let your adherence be to the nonimportation and non-exportation agreement a year from next September, or to the next session of parliament, and the day is won.’ pp. 341, 342.

Here the journal ends. It contains copies of several valuable letters to and from his American correspondents, which have not been mentioned. Among these are letters from his father, from Joseph Reed, Rev. Dr Chauncy, John Dickinson, James Lovel, Joseph Warren, Nathaniel Appleton, and Thomas Cushing. The letter from Dr Warren, as the author of the Memoir observes, ‘is peculiarly interesting, because few similar records of his mind remain, and as it evidences, that the life he sacrificed on Bunker’s Hill was offered, not under the excitement of the moment, but with a fixed and deliberate purpose. No language can be more decisive of the spirit, which predominated in his bosom. “It is the united voice of America to preserve their freedom, or lose their lives in defence of it.”’ The letter is dated Boston, November 21, 1774.

‘As nothing interesting, which I am at liberty to communicate, has taken place since your departure from home, except such mat-

ters as you could not fail of being informed of by the public papers, I have deferred writing to you, knowing that upon your first arrival in London, you would be greatly engaged in forming your connexions with the friends of this country, to whom you have been recommended. Our friends, who have been at the continental congress, are in high spirits on account of the union which prevails throughout the colonies. It is the united voice of America, to preserve their freedom, or lose their lives in defence of it. Their resolutions are not the effect of inconsiderate rashness, but the sound result of sober inquiry and deliberation. I am convinced, that the true spirit of liberty was never so universally diffused, through all ranks and orders of people, in any country on the face of the earth, as it now is through all North America. The provincial congress met at Concord at the time appointed. About two hundred and sixty members were present. You would have thought yourself in an assembly of Spartans, or ancient Romans, had you been a witness to the ardor which inspired those, who spoke upon the important business they were transacting. An injunction of secrecy prevents my giving any particulars of their transactions, except such as by their express order were published in the papers; but in general you may be assured, that they approved themselves the true representatives of a wise and brave people, determined at all events to be free. I know I might be indulged in giving you an account of our transactions, were I sure this would get safe to you, but I dare not, as the times are, risk so important intelligence.

‘Next Wednesday, the 23d instant, we shall meet again according to adjournment. All that I can safely communicate to you shall be speedily transmitted. I am of opinion that the dissolution of the British Parliament, which we were acquainted with last week, together with some favorable letters received from England, will induce us to bear the inconvenience of living without government, until we have some farther intelligence of what may be expected from England. It will require, however, a very masterly policy to keep the province, for any considerable time longer, in its present state. The town of Boston is by far the most moderate part of the province; they are silent and inflexible. They hope for relief, but they have found from experience, that they can bear to suffer more than their oppressors or themselves thought possible. They feel the injuries they receive,—they are the frequent subject of conversation; but they take an honest pride in being singled out by a tyrannical administration, as the most determined enemies to arbitrary power. They know that their merits, not their crimes, have made them the objects of ministerial vengeance. We endeavor to live as peaceably as possible with the soldiery, but disputes and quarrels often arise between the troops and the inhabitants.

‘General Gage has made very few new manœuvres since you left us. He has indeed rendered the entrenchments, at the entrance of the town, as formidable as he possibly could. I have frequently been sent to him on committees, and have several times had private conversations with him. I have thought him a man of honest, upright principles, and one desirous of accommodating the difference between Great Britain and her colonies in a just and honorable way. He did not appear to be desirous of continuing the quarrel, in order to make himself necessary, which is too often the case with persons employed in public affairs; but a copy of a letter via Philadelphia, said to be written from him to Lord North, gives a very different cast to his character. His answer to the provincial congress, which was certainly ill judged, I suppose was the work of some of that malicious group of harpies, whose disappointments make them desirous to urge the governor to drive every thing to extremes; but in this letter (if it be genuine) he seems to court the office of a destroyer of the liberties, and murderer of the people of this province. But you have doubtless read the paper, and thought with indignation on its contents.

‘I wish to know of you how affairs stand in Great Britain, and what was the principal motive of the dissolution of Parliament. If the late acts of Parliament are not to be repealed, the wisest step for both countries is fairly to separate, and not spend their blood and treasure in destroying each other. It is barely possible that Britain may depopulate North America, but I trust in God, she never can conquer the inhabitants; and if the cruel experiment is made, I am sure, whatever fortunes may attend America, that Britain will curse the wretch, who, to stop the mouths of his ravenous pack of dependants, bartered away the wealth and glory of her empire.

‘I have not time to say more at present, than to assure you that from this time you may expect to hear from me, news or no news, by every vessel, and that my earnest wish is that your abilities and integrity may be of eminent service to your country.’ pp. 204—209.

Dr Franklin did not continue long in England after the departure of Mr Quincy. He remained until all hope of the adoption of the mild and reconciliatory measures, which he so studiously promoted, was dissipated, and then returned to share in the impending dangers of his country. These two eminent men, like the elder and younger Pliny, held high converse together, as on the brink of a volcano. The fate attending the ancient worthies was reversed. The aged Franklin survived for many years, and witnessed the independence of his country. Mr Quincy did not live to reach



his beloved home. A hurried, incoherent letter, written on the British coast, and another at sea, on the 21st of April, prepare us for the sad scene which ensued. The last was written at his dictation, by a seaman, who paid devoted attentions to the interesting sufferer. 'It was a letter, full of the most interesting and affecting communications to his family and nearest friends. This letter still exists among his papers, in the rude hand writing of an illiterate sailor.' To this seaman he repeatedly said, 'that he had but one desire and prayer, which was that he might live long enough to have an interview with Samuel Adams and Joseph Warren; that granted, he should die content.' From his last letter some interesting extracts are given in the Memoir.

'My going to America at this time was very considerably against my inclinations, especially as Doctor Fothergill was of opinion, that Bristol waters would be of great advantage to me. But he did not dissuade me from going to America, but advised it very strongly in preference to my staying in London, or its environs.

'The most weighty motive of all, that determined my conduct, was the extreme urgency of about fifteen or twenty most stanch friends to America, and many of them the most learned and respectable characters in the kingdom, for my immediately proceeding to Boston. Their sentiments what ought to be the conduct of Boston, and of the continent, at this, and the approaching season, I had heard very often in the social circle; and in what things they differed, I perfectly knew. It appeared of high importance, that the sentiments of such persons should be known in America. To commit their sentiments to writing, was neither practicable nor prudent at this time. To the bosom of a friend they could intrust what might be of great advantage to my country. To me that trust was committed, and I was, immediately upon my arrival, to assemble certain persons, to whom I was to communicate my trust, and had God spared my life, it seems it would have been of great service to my country.'

'Had Providence been pleased, that I should have reached America six days ago, I should have been able to converse with my friends. I am persuaded that this voyage and passage are the instruments to put an end to my being. His holy will be done!' pp. 346—348.

To recall to view the sad and affecting circumstances, attending the departure of that exalted spirit, is a melancholy office. We would follow, in silent musings, the filial steps of his biographer, then an orphan child, unconscious of his loss.

and who now, after the lapse of half a century, performs the pious duty of recording the life and death of his father, with vivid affection; presenting his revered image, in the best expression, to the admiring view of his beloved country.

Mr Quincy expired on the 26th of April, 1775. A few hours afterwards, the ship bearing his remains arrived at Gloucester. There the funeral rites were performed, in gloomy unison with the storm of war, which he so often foreboded, and which had then commenced. The body was afterwards conveyed to Braintree, and deposited in the burial ground at that place.\* On the death of his widow, in 1798, a monument was erected to their memory by their son, furnished with an appropriate epitaph, written by John Quincy Adams, concluding with the following lines.

‘STRANGER,

In contemplating this monument, the frail tribute  
 Of filial gratitude, and affection,  
 Glows thy bold breast with patriotic flame?  
 Let his example point the paths of fame!  
 Or seeks thy heart, averse from public strife,  
 The milder graces of domestic life?  
 Her kindred virtues let thy soul revere,  
 And o’er the best of mothers drop a tear.’

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\* Mr Quincy’s will bears date February 28, 1774. Francis Dana, Jonathan Jackson, John Adams, William Phillips junior, and John Lowell, were named executors. A specific legacy to his son is characteristic, and indicates the school to which he was devoted. ‘I give to my son, when he shall arrive to the age of fifteen years, Algernon Sidney’s Works, John Locke’s Work, Lord Bacon’s Works, Gordon’s Tacitus, and Cato’s Letters. May the spirit of liberty rest upon him.’ Two thousand pounds were bequeathed to Harvard University, in case his son should die in his minority, as a foundation for a Professorship of Moral Philosophy, Law, and Oratory.

## ART. X.—CRITICAL NOTICES.

- 1.—*Ode for the Celebration of the Battle of Bunker Hill, at the Laying of the Monumental Stone, June 17, 1825.* By GRENVILLE MELLEN. 8vo. pp. 16. Boston. Cummings, Hilliard, and Co. 1825.

THIS, being an occasional ode, suffers of course, under the unfavorable circumstances attending such productions. There is usually on these festal or national occasions, even too much competition among the brothers of the lyre. They fairly overwhelm the literary public, somewhat in the way, in which a crowd of spectators may be supposed to press on the hero of the occasion. The excitement of good or grateful feelings, too, renders everything, which adorns or heightens them, agreeable at the time, without very unkind examination, and when those excited feelings have past, these performances are apt to be forgotten with them. What a myriad of odes and poems a great national event inspires, especially in those countries, where the poetic ranks are formed by bands of professional veterans, instead of our thin partisan corps. Scores of volumes might have been done up, from the monodies and elegies on Charlotte of England, or the triumphal odes on Waterloo, and how little of all could now be easily remembered, except Lord Byron's share of both. Having, however, been often pleased and sometimes delighted, with certain former occasional pieces of Mr Mellen, we read the 'Ode on Bunker Hill,' when it appeared, and have found it highly superior to much of the poetry which that occasion produced.

It is an omen of the poetic aspiration of the author, to attempt the ode, more especially in these matter of fact times, when even the least regular of its forms must have method in its fine madness. It was permitted to Pindar, to give a stanza or two to the subject of his piece, and then to diverge through all the tangles of the mythology, guided in the labyrinth by a thread, which it requires very fine optics to see. Thus in the third Pythian ode, we should imagine Hiero must have thought the bard rather long in coming to his theme, and as having quite as much to say of Chiron as himself. It is something as if a modern poet should open an ode to Napoleon, of more than two hundred lines, by a hundred devoted to the art of printing, and finally bring in the hero, with some such brief apothegm, as that 'Xerxes the great did die.' This irregularity of allusion and digression, corresponded in some measure to the license Lord Byron allowed himself, in some of his

later poems. In the ancient ode, the name or city of the hero was authority for allusion enough, to bring in the history of the family or city, the circumstances attending the foundation of the latter, and the lives and history of the colonists. Nay, if ever other hero had done or suffered the like before, he is sure to be introduced, not as an example, or illustration only, but through all the details of his birth and parentage. Thus in a Pindaric Ode on the battle of Bunker Hill, it would be indispensable to begin with General Putnam, and relate his birth, family, and education; the annals of Pomfret would be run through, and its great men eulogised; the Indian adventures of the General, and particularly his thorough roasting at their hands, would follow; this would lead to the burnings at Smithfield; from Queen Mary to Spain, from Spain to the colonies, and the cruelties practised on the natives; this to the African slave trade, and that back again to the negro servant of the General, who 'declined the hazardous service' of shooting a wolf in his own den, afterwards performed by the hero. It is needless to pursue the illustration farther. We have in fact alluded to this difficulty, as one additional cause, why this most brilliant and lofty walk of the art has not been trod with more success.

Mr Mellen's Ode has the fault of being written to be spoken and not sung. The very irregular stanza, which is permitted to this species of production, becomes unpleasant without the musical cadence, which cannot exist where the passage has not been written with an accompaniment. This it is, in the lighter style of song writing, which has given Mocre one of the most exquisite charms of his songs, a delightful privilege of possessing the two talents, 'the words, the harper's skill at once.' And by the usual compensation of all natural gifts, it is this which makes his long poems, whole operas without the music, dull forced marches without flute or bugle. This Ode, also, for we will close this unpleasant duty at once, has the error of attempting to render each passage equally brilliant in execution, whatever is the character of the sentiment expressed. Like the glowing pictures of David, the great French artist, the effect of many modern poems is bright and romantic, but not lasting. There has been, and is, so much fine talent in these later ages enlisted in literature, that the writer, especially a student, despairs of success but from efforts, which have a dangerous tendency to produce an unnatural effect. The young artists at Rome, of the most delicate taste, are said to wander among its matchless works, with desponding admiration, and pass by afraid to deviate from what they cannot equal, and will not imitate. This perfectly natural sentiment is not confined to one of the fine arts, but pervades the age of improvement, when that of invention has passed. The young poet reads his master

in the painful delight with which the artist views his model. Some sacrifice their original conception, which might have been striking or grand, to the perfection of execution, well knowing that without great skill in the forms of poetic expression, no strength or tenderness can be pleasing, but forgetting that this facility of art comes not from *study for that effect*, but from habit unconsciously acquired, while the attention was better employed.

This mistake is trifling, compared with another, from which Mr Mellen is free, that of those writers, who suppose originality also is to be acquired by study, and who make the absurd attempt to say in a manner no one else would have said, what no one else would have thought. This folly is abundantly exemplified in the works of some of our writers. Any man, who chooses so idly to expose himself, may throw together ideas, epithets, and illustrations, in a connection which is new, as any one can cast together a hundred letters of the alphabet in a combination, which was probably never seen, and the exploits are equally honorable. What is it to the world, that an author has hit on a combination of thoughts he considers new? The reader has no interest in the poet, or his discoveries; but that which he can create by his strength or beauty, and it belongs to the worst delusion, to make the public a party in this way to our own fanciful egotism.

Mr Mellen's Ode opens with a highly poetical description of the appearance of both armies. The following is an animated and brilliant passage.

'The patriot blades are out—uplifted high,  
 Their pennons on the blue  
 Broadly unfold their thousand stars,  
 To Telegraph the band  
 To Death, or Victory!  
 While on their foe's astonished view,  
 Appear our banner's flaming bars,  
 As though to guard the Eden of the land!  
 How idle is ambition now—  
 Ambition grasping at the air—  
 The war-storm scowling o'er its brow  
 Upon a world so young and fair!  
 What though ye doom to sword and fire,  
 The feasts of Desolation;  
 The Spirit still survives the pyre,  
 That blazing on through son and sire,  
 Will yet illumine the nation.

Now deeper roll the maddening drums,  
 And the mingling host like ocean heaves;  
 While from the midst a horrid wailing comes,  
 And high above the fight the lonely bugle grieves!  
 Woe to the reddening spirits now,  
 That war for slavery and crowns—  
 For chains and jewelry!

For FREEDOM's withering frowns  
 Look night upon them, while her brow,  
 Forth issuing from her stormy hair,  
 Beams like a beacon through a rended sky,  
 On giant arms and bosoms bare!

There follows a stanza descriptive of the firing of the town, which is perhaps subject to the objection we have alluded to above, of being overwrought. The requiem to Warren is very beautiful, without any of the faults of Mr Mellen's manner.

' But ah! along that trembling steep,  
 The sorrow of stern hearts is swelling;  
 The patriot baid! they weep—they weep  
 A hero to his dwelling.  
 WARREN hath past to his eternal sleep  
 In honor's shroud;  
 And as the faithful cluster round  
 His hallow'd clay,  
 Forgotten are the battle sound—  
 Insulted hopes—invaded homes—  
 The desolated temple's falling domes—  
 Until the big collected grief gives way,  
 And pale Columbia's genius weeps aloud.  
 Oh! England, if there ever came  
 O'er thee the blush of generous shame;  
 If through some dim but coming year,  
 When musing upon days like these,  
 Thy glowing memory linger here,  
 'Twill redden all thy island seas!

The poem is concluded by a few stanzas, full of the generous and noble sentiments, which the occasion of erecting that monument with those auspices must inspire, among which our departed guest, the delight of Liberty, is not forgotten.

2.—*A Discourse delivered before the Society for the Commemoration of the Landing of William Penn, on the 24th of October, 1825.* BY C. J. INGERSOLL. Philadelphia. 8vo. pp. 36. R. H. Small.

IT is no wonder, that the memory of Penn should be cherished with deep reverence in the state which bears his name, and in the city founded by his enterprise and wisdom. His, indeed, is a name dear to America, and honorable to the best principles of human nature. The records of his deeds in this country adorn the fairest pages of American history, and his first interviews with the natives, on the banks of the Delaware, are among the very few events of the kind, in our early annals, on which the imagination loves to dwell. The first settlers generally lacked discretion and modera-

tion, almost as much as they abounded in zeal and enterprise. The colonists in Virginia brought arms and warlike preparations, and soon made an enemy where they did not find one; and the pilgrims of New England landed with muskets on their shoulders, and presented themselves in the attitude of war, to the first body of natives they encountered. Penn came with the olive branch of peace; he met the rude sons of the forest as men, having the passions of men, and spoke to them in the accents of humanity and justice. It was a language, which they understood, and its influence was effectual; it tamed the fierce spirit of war, paved the way for an amicable treaty, and procured the unbounded and lasting respect of the Indians, for the founder of the colony of Pennsylvania.

Near the beginning of his discourse, Mr Ingersoll has inserted in a note a curious extract from Penn's writings, which explains the origin of the name given to his colony. The passage is contained in a letter, dated January 5, 1681. 'This day,' says Penn, 'after many waitings, watchings, solicitings, and disputes, in Council, my country was confirmed to me under the Great Seal of England; with large powers and privileges, by the name of Pennsylvania—a name the King would give it in honor of my father. I chose New Wales, being a hilly country; and when the Secretary, a Welchman, refused to call it New Wales, I proposed Sylvania, and they added Penn to it; though I much opposed it, and went to the King to have it struck out. He said 'twas past, and he would take it upon him; nor could twenty guineas move the under Secretary to vary the name; for I feared it should be looked on as a vanity in me, and not as a respect in the King to my father, as it really was. Thou may'st communicate my grant to Friends, and expect shortly my proposals. 'Tis a dear and just thing, and my God, that has given it me through many difficulties, will, I believe, bless and make it the seed of a nation. I shall have a tender care to the government, that it be well laid at first.' This pledge was not forgotten; he spent some time in this country, and spared no exertions to establish such a system of government, and put such laws in operation, as he believed would be best adapted to ensure the prosperity of the colony.

In commemorating the landing of William Penn, it was thought by Mr Ingersoll, that he could not render a more grateful tribute to his memory, than to enumerate some of the remarkable features in the growth of Philadelphia. The increase, and the present flourishing condition of that city, are most gratifying mementos of the labors and foresight of its great founder. Mr Ingersoll has given us a highly graphic picture of the progress of Philadelphia in arts, commerce, manufactures, internal police; wealth, refinement, literary, scientific, and benevolent institutions, and in whatever contributes to advance the numbers, prosperity, and happiness of a

people. His delineations are those of a close and thoughtful observer not only of events, but of the springs of social action, and the principles which regulate the economy of life. We have not space to dwell on particulars, and must content ourselves with the following extract, which is clothed in a style, and expresses sentiments, peculiarly characteristic of the author.

‘In the crucible of liberty, all the languages of Europe have been melted into one. In the temple of toleration, all religions have been sanctified. The forests of a continent have been weeded with sturdy hands, till its wilds have become the ways of pleasantness, and the paths of peace. With stout hearts and apt genius, the ocean has been tamed till it is part of the domain.

‘Plenty empties her full horn into the lap of tranquillity. Commerce fetches riches from every latitude. The earth and mountains are quick with inexhaustible productions. Domestic industry contributes its infinite creations. Poetry, history, architecture, sculpture, painting, and music, daily add their memorials. Yet these are as nothing. *Vix ea nostra voco*—enjoyments scarcely acknowledged—all local advantages would be disregarded, if they were not recommended by the religious, social, and political principles we enjoy with them.

‘Let us cultivate, and vindicate, and perpetuate this country, not only by the power and sympathies of heroic exploits, but by the nobler attractions of all the arts of peace. Ours is the country of principles, not place; where the domestic virtues reign, in union with the rights of man; where intense patriotism is the natural offspring of those virtues and rights; where love of country is a triple tie, to birthplace, to state, and to union, spun in the magic woof that binds calculation to instinct. Aloof, erect, unmeddling, undaunted, it neither envies nor fears, while justly estimating, the splendid and imposing ascendancy of the continent it sprung from. It sends on every gale to Europe the voice, not of defiance or hostility, but of an independent hemisphere of freemen. It sends to Asia the riches of commerce, and the Gospel with healing on its wings. It sends to Africa the banner spangled with stars, to awe the tyrant and protect the slave. It sends to all benighted quarters of the globe, the mild but divine radiance of an irresistible example. It invites the oppressed of all nations and degrees, from dethroned monarchs and banished princes, to fugitive peasants and destitute laborers, to come and rest within these borders.

‘May the sciences and refinements which embellish and enlighten, the charities that endear, and the loyalty that ennobles, forever flourish here on the broad foundations of peace, liberty, and intelligence. And among increasing millions of educated, moral, and contented people, may the disciples of Penn, Franklin, and Washington, meet together in frequent and grateful concourse, to render



thanksgivings to the Almighty for the blessings we enjoy by his dispensation.' pp. 33—36.

On former occasions we have given our opinion of Mr Ingersoll's style of composition, and habits of thought. These are in many respects peculiar. His language is strong and pointed, disdaining ornament and studied elegance, loaded with no superfluous epithets, and attracting rather by the force of its expression and richness of facts, than by its embellishment or rhetoric. It inclines a little to the hyperbolic, particularly in descriptions, and the choice of words is not always consistent with good usage. In the present discourse we have, among other anomalies, *centrality*, and *pioneering*; and the author speaks of the water brought into Philadelphia, as '*vouchsafing* it from extensive conflagrations.' This looseness we are sorry to see in such a writer. Men of literary intelligence and attainments should be the last, to deviate from the established use of words; corruptions will creep in fast enough from other quarters; and this is one of the cases, in which the wise and the learned should keep far behind the multitude.



3.—*Annals of Portsmouth, comprising a Period of two hundred Years from the first Settlement of the Town; with Biographical Sketches of a few of the most respectable Inhabitants.* BY NATHANIEL ADAMS. Portsmouth. Published by the Author. 1825. 8vo. pp. 400.

THE form of *Annals* is the most unpretending, but by no means the least useful or agreeable mode of writing history. Besides embracing a greater variety of facts, and finding a place for minute particulars, which would be necessarily passed over in a connected narrative, it has a more striking appearance of life and reality by uniting the great and the small, the grave and the gay, in the same chronological series. The historian, like the landscape painter, selects a few prominent objects, groups them together for effect, and places them in the foreground in a strong light; while the annalist presents us with drawings of individual plants and trees. We look to the one for the results of thought, and to the other for the materials of thinking.

The character and views of the first settlers of Portsmouth were materially different, from those of the founders of Plymouth and Massachusetts colonies. They were men of business, sent out by Mason and his associates for the purposes of trade; and though they soon acquired a portion of the religious zeal of their neighbors, they were never thoroughly imbued with the spirit of the Puritans. There is an amusing account of this difference given in page 94. 'A. D.

1691. A reverend divine preaching against the depravity of the times, said, "You have forsaken the pious habits of your forefathers, who left the ease and comfort which they possessed in their native land, and came to this howling wilderness to enjoy without molestation the exercise of their pure principles of religion." One of the congregation interrupted him—"Sir, you entirely mistake the matter; our ancestors did not come here on account of their religion, but *to fish and trade.*"

Still, however, there are traces of the fathers of New England, which cannot be mistaken. '1662, September 25. At a town meeting, ordered that *a cage be made*, or some other means invented by the Selectmen, to punish *such as sleep, or take tobacco on the Lord's day* out of the meeting, in the time of the public exercise.'

'1671, July 24. The Selectmen agree with John Pickering to build a cage twelve feet square, with stocks within it, and a pillory on the top, a convenient space from the west end of the meeting house.'

The abomination of taking tobacco, however, seems not to have been checked by these vigorous measures, for the next year we find a vote of the town, which shows but a faint opposition to this crying sin. '1672, March 12. Voted that if any shall smoke tobacco *in the meeting house*, at any public meeting, he shall *pay a fine of five shillings* for the use of the town.'

While on this subject, we may remark the liberal allowance of tobacco, which was furnished to the colonists by the English proprietor. In the inventory of the goods and implements belonging to the plantation taken in July 1635, under the head of provisions, we find the following articles; 140 bushels of corn, 8 barrels oat-meal, 32 barrels meal, 15 barrels malt, 29 barrels peas, 153 candles, 610 lbs. sugar, 512 *lbs. tobacco*, 6 pipes wine, 170 gallons aqua vitæ, 2 chyrurgeon's chests, all 'to be delivered to Henry Joselyn, Esq. by command of Captain John Mason.'

John Mason manifested in everything a most liberal spirit; and though his claim to the soil of New Hampshire involved him in endless controversies with the inhabitants, and rendered his name extremely odious for several generations, the time is not far distant when justice will be done to his memory. Mr Savage, in his recent edition of Winthrop's Journal, has proved conclusively, that the celebrated Indian deed to Wheelwright, which was supported as a valid title against the claim of the heirs and grantees of Mason, was a forgery; and Mr Adams, in his appendix, has preserved some original documents, which shew how little regard was paid to the property, or rights of the proprietor.

'Francis Small, of Piscattaway in New England, planter, aged sixtyfive years, maketh oath, [September 8, 1685,] that he hath lived in New England upwards of fifty years; that he very well

knew the plantations Captain Mason had caused to be made at Piscataway, Strawberry Bank, and Newichewanock; and that there was a great stock at each of those plantations. And this deponent doth very well remember, that Captain Mason sent into this country eight Danes to build mills, to saw timber, and tend them, and to make pot-ashes; and that *the first sawmill and cornmill in New England was erected at Captain Mason's plantation at Newichewanock upwards of fifty years.* 'That about forty years since, this deponent, with others, was employed by Captain Francis Norton, (who then lived at Captain Mason's house at Piscataway, called the Great House,) to drive about one hundred head of cattle towards Boston, and the said Captain Norton did go with the cattle; that such cattle were then usually sold at five and twenty pounds the head, money of England. And the said Norton did settle himself at Charlestown, near Boston, and wholly left Captain Mason's plantation, upon which *the other servants shared the residue of the goods and stock among them, which were left in that and the other plantations, and possessed themselves of the houses and lands.* And this deponent doth verily believe, that from the cattle sent hither by Captain Mason, most of the cattle in the Provinces of New Hampshire and the Main have been raised.'

This statement is confirmed by the depositions of Nathaniel Boulter, and John Redman, given at the same time, who add 'that such cattle were commonly valued at five and twenty pounds the head, being very large beasts of a yellowish color, and said to be brought by Captain Mason from Denmark.'

There is a curious passage in the testimony of 'George Walton of Great Island, in the Province of New Hampshire, aged seventy years or thereabouts,' taken Dec. 18, 1685, before Waltar Barefoot, Deputy Governor, which sufficiently explains the true cause of the opposition to Mason and his family. After relating how Norton, Captain Mason's agent, had robbed him of one hundred head of cattle, he adds, 'that thereupon the rest of the stock, goods, and implements, belonging to Captain Mason's plantation, were made away by the said servants and others; and this deponent knows, that to the Great House at Piscataway aforesaid, there were adjoining about one thousand acres of improved land, marsh, meadow, and planting grounds, which were *divided and parcelled out by the servants of Captain Mason,* and others, the select or prudential men, (of the town of Portsmouth,) as they were so called, who still enjoy the same, or their heirs and assigns \* \* \* \* and the said Great House by the means aforesaid came to decay and fell down, the ruins being yet to be seen, out of which several good farms are now made. And this deponent doth very well remember, that the said Captain Mason had made a great plantation at a place called Newichewanock, about sixteen miles from that of Piscataway, which by the means

aforesaid was ruined, and *shared among several of the said Captain Mason's servants* and others. And this deponent doth further say, that to his particular knowledge, the servants sent over by Captain Mason, of which some are living, and those descended from them, which are many, have been and are *the most violent opposers of the now proprietor, Robert Mason, Esq.*'

It should be remembered, that at the time of this general 'sharing' of the Mason estate, Captain John Mason was dead, and his heirs were minors, residing in England. It is probable that the following singular fact had some connexion with these transactions.

'1652. This year the Selectmen examined the old town books; and *what was not approved was crossed out*, and what was approved was left to be recorded in a new book.'

But enough of this; in a few years we find a better spirit prevailing. In 1669 the inhabitants of Portsmouth subscribed sixty pounds a year for seven years, to contribute towards the erection of a new building in Harvard College; and in 1671 the first church was organised, under the care of the venerable and pious Joshua Moody.

Mr Adams has enriched his work with several biographical sketches, which must render it peculiarly interesting to the inhabitants of Portsmouth, and which are valuable to all, for the light they throw upon the manners and institutions of our country. We select the following as a fair specimen.

'1781. The honorable William Parker departed this life April 29th, aged seventyseven. He was born in this town in the year 1703, received the rudiments of his education in one of the public schools, and, at the age of fifteen, became an apprentice to his father, who was a tanner. He made himself thoroughly acquainted with that business, but relinquished it soon after he came of age, and was employed for several years as master of one of the public schools. In his leisure hours he pursued the study of the law, and was admitted to the bar in the year 1732. When the commissioners met at Hampton, in 1737, to settle the line between this province and Massachusetts, they appointed him their clerk. He afterwards received a commission from Governor Belcher to be Register of Probate, and his knowledge of the law enabled him to discharge the duties of that office with great ability. He was also appointed Surrogate Judge of Admiralty; and was for many years the only Notary Public in the province. In August, 1771, he received a commission, appointing him one of the Justices of the Superior Court of Judicature for the province; which office he held until the commencement of the revolution.

'Judge Parker was esteemed a well read and accurate lawyer; but his studies were not confined to the law. He gave much of his attention to classical literature, and the belles lettres, in which he made great proficiency. In 1763, the corporation of Harvard Col-

lege conferred on him the degree of Master of Arts, and in their vote, they direct it to be expressly mentioned in his diploma [that it was given] ‘*pro meritis suis, although he never had a public education.*’ In his diploma it is thus expressed, ‘*licet non Academicæ instructum, generosum, nihilominus in rebus literariis scil. classicis, philosophicis, etc. egregie eruditum.*’

Of the famous Robert Metlin, or Macklin, as he is called by Belknap, who lived to the extraordinary age of one hundred and fifteen years, we find the following anecdote under the year 1787, at which time he was a baker in Portsmouth. ‘He usually bought his flour in Boston, and always travelled thither on foot; he performed the journey in a day, the distance being then about sixtysix miles, made his purchases, put his flour on board a coaster, and returned home the next day. He was eighty years of age, the last time he performed this journey. At that time, this was thought an extraordinary day’s journey for a horse. The stages required the greatest part of two days. Colonel Atkinson, with a strong horse in a very light sulky, once accomplished it in a day. He set out early in the morning, and before he reached Greenland, overtook Metlin, and inquired where he was bound. Metlin answered, to Boston. Atkinson asked if he ever expected to reach there; and drove on. Atkinson stopped at Greenland, and Metlin passed him; they alternately passed each other every stage on the road, and crossed Charlestown ferry in the same boat, before sunset.’

We have no room for any further extracts, except the following, which is valuable as a statistical document, and shows how little the price of corn and silver has varied in nearly a century and a half.

‘1680. Taxes were commonly paid in lumber or provisions at stated prices, and whoever paid them in money was abated one third part. The prices for this year were as follows;

Merchantable white pine boards	£	0	30	0	per m.
White oak pipe staves	-	-	3	0	” ”
Red oak do.	-	-	0	30	” ”
Red oak hhd. staves	-	-	0	25	” ”
Indian corn	-	-	0	3	” bush.
Wheat	-	-	0	5	” ”
Malt	-	-	0	4	” ”
Silver	-	-	0	6	” oz.’

4.—*A History of the United States, from their first Settlement as Colonies, to the close of the War with Great Britain, in 1815.* New York. C. Wiley. 12mo. pp. 336.

THE highest literary enterprise, which now presents itself for the exercise of industry, talent, and learning in this country, is a his-

tory of the United States. It has been the fashion to doubt, whether the time had yet come, in which an impartial and well digested history could be executed. Such doubts we think should continue no longer. Time is required to bring facts to light, to soften down the rough aspect of events, and to create a medium through which the mind can look back with cool and tranquil judgment, divested of passion and unbiassed by partiality. For all these purposes time enough we conceive has elapsed; and all the essential materials may now be obtained, and all the advantages possessed, which ever can be, for a history of the first order down to a period, at least as late as the beginning of the present century. The person now living, who would undertake so arduous a work, can hardly be supposed to have his opinions, or his feelings, so much interested in the causes and results of the great political parties, which ran high thirty years ago, as to be subject to any undue influence on his judgment from either of these sources. And when you go back to the revolution, everything is fully ripe for the most finished history; and previously to that period we have all the valuable materials, which can be supposed to exist, even to the earliest twilight of our antiquity.

A thoroughly philosophical history is wanted, a history of man, his mind, opinions, social habitudes, and political devices, when thrown into states of society, unknown in former ages, and in the old countries. The events of American history are peculiar. Beginning with the origin of our colonial existence, and descending through all the gradations of our political progress, till the miracle of our present national government was accomplished, we behold a series of remarkable events, and a developement of the human character, for which we look in vain to the acts of any other people, whether recorded in ancient or modern story. The character of our ancestors was peculiar, they came here for peculiar motives, they formed associations on novel principles, and maintained them in a manner, and with a spirit, which no other people have done. The colonial history is full of interest, full of singularity; the part acted by the natives of the soil is an extraordinary scene in the drama. The movements, which led onward to the revolution, the events of that great crisis itself, and the consequences flowing from it, are all among the most dignified and fertile themes of history.

But it would be no easy task, with adequate powers and untiring industry, to compose such a history, as the past progress and present state of the country demand. A thorough acquaintance would be requisite, not only with English history, but with the general history of Europe at the time of the discovery of America and since. To trace the advancement of our political institutions, a complete knowledge of the republics of antiquity, and of succeeding ages, would be necessary, as well as a just estimate of the

characteristics and the influence of the principles of freedom, wherever they have made any impression. Then the mass of facts relating to our own country, of which the texture of the history is to be woven, is immense, and scattered over a wide and unexplored field. The works and documents, in which they are contained, have never been brought together or methodised; no individual has pushed his researches through them, nor even been so adventurous as to attempt a summary of their prominent parts. Till very recently such an undertaking would hardly have been in the power of any one. The works on American history could not be found within a practicable compass. This obstacle is at length happily removed. Since the famous Ebeling Library has been purchased and transferred to Harvard College, by the munificence of Mr Thorndike, and the Warden Library has been added, also as a donation, by Mr Eliot, it is believed that copies of nearly all the works, illustrating the history of North America, may now be found in the library of the College. If to these we add other books of this description in the Boston Athenæum, and the library of the Massachusetts Historical Society, both of which are particularly rich in the treasures of American history, it is probable that no book of much value will be wanting, to complete a perfect list on this subject. Whoever would write a history of the United States, that will do honor to the country, as an able developement of its progress and resources, and delineation of its remarkable features, and as occupying an elevated niche in the temple of its literature, must necessarily have constant access to these collections. Let no man contemplate such a project, whose meridian years have been long numbered, nor flatter himself when he begins, that his declining sun will find him at the end of his wearisome task.

The little volume, whose title has called forth these remarks, comes upon us with no high pretensions; it is a simple narrative of facts, put together in a plain way, and intended for schools. For such a purpose it seems well suited, although it is a difficult thing to compress so much matter into so small a space, with a due attention to a just proportion of parts. The author's plan is, first to give a separate history of each of the old colonies; then in succession an account of the French war from 1756 to 1763; of the revolution, which secured our independence; the transactions of the old congress and the adoption of the constitution; the administrations of the different Presidents; and a detailed narrative of the events of the last war. All these things are accomplished in a duodecimo volume of three hundred and thirtysix pages. The mechanical divisions of the chapters are conveniently arranged, for the use of reading classes in schools. In short, as an epitome of the history of the United States, designed for young readers, we know not that a better work than this has appeared.

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5.—*A Sermon, preached at St Philip's Church, August 21, 1825.*  
 BY CHRISTOPHER E. GADSDEN, *on the Occasion of the*  
*Decease of General Charles Cotesworth Pinckney.* Charles-  
 ton, S. C. 8vo. pp. 31. A. E. Miller.

AMONG the names, which are illustrious in the revolutionary and political annals of this country, that of Charles Cotesworth Pinckney holds a distinguished rank. This veteran in the cause of American independence and liberty, has died within the last year, leaving behind him a fame, which his cotemporaries have honored, and which posterity will cherish. Another light is extinguished, which shone brightly in the deep gloom, that hung at one time over our national destiny; another head is laid low, which was erect and firm amidst the perils, that exhibited an appalling aspect even to the wisest and the bravest. We can do no justice to this theme in the brief space, which at present is at our command, and shall merely add a few facts collected from Mr Gadsden's discourse.


Charles Cotesworth Pinckney was born in February, 1746. His father, Charles Pinckney, was a man of eminence, holding the office of Chief Justice, and being one of the King's Council. His mother was a daughter of George Lucas, Governor of the Island of Antigua, and it is recorded of her in Ramsay's History of South Carolina, that the culture of indigo was introduced into that province through her agency. The son was educated in England, first at Westminster, and then at Oxford. His law studies were pursued at the Temple in London, and he acquired military knowledge by his travels on the continent. 'As the strength of his mind rescued him from prejudice, so his virtuous principles prevented foreign attachments. He was an early, decided, and devoted promoter of the revolution, courting the scenes of difficulty and danger, and choosing to be the companion of Washington. The friendship of these illustrious individuals was never interrupted, and the younger enjoyed a series of marks of confidence, commencing with his appointment as *aid de camp*, greater than were bestowed upon any other man.' After the organisation of the government, General Pinckney was on two occasions invited to hold a place in the cabinet, once as Secretary of War, and once as Secretary of State. He was sent on a foreign mission of great importance, and 'it was as minister to France,' observes Mr Gadsden, 'that he is said to have uttered the sentiment so consistent with his high character; *Millions for defence, but not a cent for tribute.*' The command of the army, which was given to St Clair, was previously offered to him in 1791. He received from President Adams the appointment of Major General of the army. In the Appendix is an interesting account of the part he took, in the South Carolina State Convention of 1778, particularly as an advocate for religious toleration and liberty.



Speaking of General Pinckney as a patriot of the first order, Mr Gadsden remarks;

‘That the honored dead had this love of country, we know not from his professions, not so much from his services and sacrifices, great as they were, as from two incidents by which it was remarkably *tested*. [?] When war was declared against France, the second command, contrary to the reasonable expectations of many, was given not to General Pinckney, but to one who had been his junior in the army of the revolution. The third place in command was tendered to him, and he promptly accepted of it. His services were needed, and he would not withhold them. It may well be questioned, whether there was another man whose patriotism, in the conflict with self esteem and martial pride, could have thus memorably triumphed. The other instance occurred in the last war, when, differing from some with whom he had long concurred in political sentiment, who were perhaps incapable of a like magnanimity, he recommended his friends, who consulted him, to accept of military appointments, and declared, notwithstanding his advanced age, that he was prepared to do his part in the conflict. It would be aside from our purpose to shew that such a declaration, from such a man, at such a crisis, was invaluable. It belongs to history to calculate the amount of his claim, accumulated through a long life, on the public gratitude. But we must remark, that it beautifully harmonised with his whole conduct, and proved that the sentiment of which we are speaking was deeply rooted in his soul. Ambition has been called the infirmity of noble minds, and pride seems almost inseparable from elevated distinction. If he had these vices, it is gratifying to find them overcome, when the question was between them and the country.’ pp. 12, 13.

Mr Gadsden has drawn an interesting portrait of the character of General Pinckney, in all its relations, both as it was displayed in the humbler walks of private life, and in the high places of public trust. A biographical work, comprising the acts of General Pinckney, and an account of the events in which he was engaged, would be an acquisition to American history highly to be prized; and it is hoped, that such a tribute to his memory, and such a gift to his country, will not be withheld.



6.—*Register of Debates in Congress, comprising the leading Debates and Incidents of the Second Session of the Eighteenth Congress; together with an Appendix, containing the most Important State Papers and Public Documents, to which the Session has given Birth; to which are added the Laws enacted during the Session, with a copious Index to the whole.* Volume I. Washington. Gales & Seaton. Large 8vo. pp. 504.

AFTER examining this volume, the purposes of which are fully expressed in the title, the first reflection that occurs is, how the public has been so long contented without some work of a similar kind. As furnishing a history of the proceedings of Congress, and the transactions of the general government, both in the minuteness of detail and copiousness of facts, the editors' plan embraces everything, that is wanted. The materials are arranged in a natural order, and the method is throughout perspicuous. The body of the work is occupied with an abstract of the debates in Congress, each subject being introduced in chronological sequence, as it was taken up in the House of Representatives, or the Senate, and the debates are presented in the same order. This part of the volume thus becomes a record of the opinions of the members of Congress, and their reasons for these opinions, on all the important topics discussed during the session. The Appendix contains the Messages of the President, and the public documents accompanying them; the reports of the secretaries of the Departments; the reports of the Committees of Congress on subjects of importance; correspondence between public functionaries relating to our foreign and domestic concerns. Then come the laws passed during the session, and tables showing the state of our navigation and commerce. An Index serves as a key to the whole, and directs the inquirer immediately to any point he wishes to ascertain.

The great utility of such a work, not only to statesmen and politicians of all ranks, but to every general reader, is too obvious to need a single remark. The editors, in their preface, express apprehensions that the experiment is a hazardous one, but we doubt not these apprehensions will prove unfounded. It is a work of labor, expense, and trouble; we believe the demand will be such as to render a generous compensation for all these, if not immediately, at least within a short time. The value of such a book will increase every year in a rapid ratio, and it will soon be found to be a necessary appendage to all public, and most private libraries. The editors suggest, that experience may enable them to introduce improvements. This is possible, though we see no room for dissatisfaction with the work in its present form and garb; and we confidently hope they will be encouraged to continue

an undertaking, so creditable to themselves, and so eminently useful to the country.

It would be a great thing, if the hint should be taken from this beginning, to extend the plan to the state legislatures. A work, which should embrace the annual messages of the governors in the different states, and some of the most important documents accompanying them, and also an abstract of the proceedings of the legislatures on those subjects, which are calculated to have a permanent effect on the institutions of any state, or which have a national bearing, such a work, in connexion with Gales and Seaton's Debates, would constitute as perfect a historical register of passing events, as could be desired. The whole might be compassed in two volumes, not exceeding in dimensions the volume of debates. Such a work, moreover, would tend to give solidity to the government, by diffusing political information, and inducing a uniformity of action in the different legislatures. It would be a record of the opinions, and a repository of the wisdom, of our statesmen in every part of the Union, and the light elicited by each would serve to illuminate and guide all the others.



7.—*A Lecture delivered at the Opening of the Medical Department of the Columbian College, in the District of Columbia; March 30, 1825.* By THOMAS SEWALL, M. D. Professor of Anatomy and Physiology. Washington City. 8vo. pp. 80.

By an admirable union of industry and good judgment, Dr Sewall has contrived to condense into a single discourse, an abstract of the history of the medical science, and a complete body of the medical statistics, of the United States. We know not where so large a mass of curious and instructive facts, on any one subject, can be found within the same compass, as is here collected, on the progress of medicine in this country. The lecturer begins by showing, that almost nothing was done, in the way of medical improvement, during the first century and a half after the landing of the original settlers. For many years, it was customary for clergymen to perform the office of physicians, and regular and well directed modes of practice gained ground very slowly in the colonies. The causes of this slow advancement of the science are briefly, but satisfactorily explained by Dr Sewall. In addition to the unfavorable circumstances attending new settlements, the period would appear to have been one, in which medicine was at a low ebb, and nearly at a stand, throughout Europe.

The first medical school in this country was founded at Philadelphia, in the year 1765. From that time the science began to advance with rapidity, and many eminent men have been found in ranks of the profession, who have sustained its dignity, and contributed to its improvement. The schools of New York, Harvard College, Dartmouth College, and of Maryland, were successively established, the last in 1807. Since that date, there have been twelve other medical schools instituted in different parts of the United States, all of which are now in successful operation. 'One hundred and fiftyeight years of our history elapsed,' says Dr Sewall, 'after the first settlement of America, before a single medical school existed in the country. In the fortyseven years that followed, five medical schools were founded, and in the twelve succeeding years, which period completes our history, no less than twelve have been added to the number. Sixty years ago, when but one school existed in the country, only ten students enjoyed the benefit of medical lectures. Twelve years afterwards, when only five schools were established, not more than five hundred students attended lectures; while the sixteen medical schools now existing impart instruction to nearly two thousand pupils.' Besides these schools, there are in the different states twenty Medical Societies, incorporated by the legislatures, and embracing a large proportion of the most respectable physicians in the Union. These societies are 'formed for the regulation of the practice of physic, and the suppression of quackery,' and their tendency is to produce a good understanding and harmony among the members of the profession.

The *Notes* to Dr Sewall's Lecture contain many interesting particulars, respecting the science of medicine in this country, and particularly biographical sketches of a large number of our most eminent physicians.

8.—*A Discourse delivered in the Chapel of Nassau Hall, before the Literary and Philosophical Society of New Jersey, at its first Annual Meeting, September 27, 1825.* By SAMUEL MILLER, D. D. Princeton. 8vo. pp. 40. D. A. Borrenstein.

FEW pens in this country have been more prolific in various branches of theology, than that of Dr Miller; but his labors have not been confined to that department. His *Retrospect of the Eighteenth Century* is a work, which manifests deep research into the political, literary, and scientific history of that period, and though hastily composed, considering its magnitude and the immense variety of its topics, yet it contains a body of facts and

reflections highly useful, as illustrating the progress of the human mind during the eighteenth century. We know not any single work, which exhibits the picture within the same space, or more likely to produce a just impression, as to the comparative advancement of the various kinds of knowledge and invention. In the first volume of the *Collections of the New York Historical Society for the year 1809*, there is also a dissertation by Dr Miller, on the first discovery of New York, containing a full account of Verrazzano's voyage.

And we now have before us another effort of his to promote the cause of literature and science. An association has recently been formed, with the name of 'The Literary and Philosophical Society of New Jersey,' and it was in celebration of the first anniversary of this Society, that the present discourse was pronounced. The author takes a broad range, going back to the time of Plato, and showing the great advantages then resulting from the associations of learned men, in the Academies and Porches of Greece. He comes next to the origin of literary and scientific societies in modern Europe, speaks of their wide influence, and represents them as having been important instruments of intellectual improvement. A brief history of the few societies of this sort, which have arisen in our country, brings him to the New Jersey Society just founded, and a statement of its objects and duties. These are neither few nor trivial. They extend to all the main subjects of historical, philosophical, and physical research, as well as to exertions more peculiarly literary; and their weight and value are well explained by the author. He opens fields for inquiry, which allows ample room for action to the most enthusiastic members of the Society, however various their talents, or ardent their zeal, or intense their thirst for knowledge.

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9.—*Gramática Completa de la Lengua Inglesa, para Uso de los Españoles.* Por STEPHEN M' L. STAPLES, A. M. Philadelphia. Carey & Lea. 12mo. pp. 276.

A GREAT merit of this Grammar is the accuracy, with which the idioms of the English and Spanish languages are compared, through all their grammatical forms. Its particular object is to teach the English language to Spaniards, but it may be consulted with much advantage by students of the Spanish. The author takes special pains to exhibit the powers of the letters of the alphabet, as they are expressed in the two languages, and with no little success. His fault is a tendency to too much refinement, and an attempt to designate sounds, which can only be communicated by the living voice. It is possible, however, that the defect of stop-

ping short of the point, to which he has gone, would be as great a fault. The subject is not an easy one to manage, and will be differently regarded according to the ear and judgment of every individual.

The parallel view, which Mr Staples takes of the parts of speech in the two languages, is skilful and satisfactory. His rules are explicit; in some parts too numerous, but commonly definite and pertinent. His notes, which are written in English, are judicious; brief in matter and pointed in manner. The chapter *De los Idiomias* is remarkably full, and it would not be easy to find a more complete list of the idiomatic uses of English verbs and prepositions. These are all explained by parallel Spanish phrases. The author states a broad position, when he says, in his preface, that 'the English surpasses all other languages in the regularity and multiplicity of its significant initials and terminations.' We will not stop to contest the point, but we distrust its accuracy. In short, we deem it essentially incorrect, and presume our opinion to be sufficiently supported, by citing the Greek, or even the Hebrew, if the author means by 'significant initials and terminations,' what are commonly understood by prefixes, and suffixes, either in the character of indeclinable particles, or declinable pronouns. That the English has fewer roots, and a greater number of compound derivative words, than any other language, is a new doctrine in philology.



- 10.—*Adam's Latin Grammar, with some Improvements, and the following Additions; Rules for the right Pronunciation of the Latin Language; a Metrical Key to the Odes of Horace; a List of Latin Authors arranged according to the different Ages of Roman Literature; Tables, showing the Value of the various Coins, Weights, and Measures, used among the Romans.* By BENJAMIN A. GOULD. Master of the Public Latin School in Boston. 12mo. pp. 284. Boston. Cummings, Hilliard, & Co. 1825.

THE experience of successful and eminent instructors can best determine the merit of a grammar, designed to be a Manual in schools. In the common opinion, Adam's Grammar has well answered its end. If any other is preferred, we are not aware that it can either communicate much more, which is wanted, or even desirable, in a school book; or present, on the whole, a more convenient arrangement, in the parts of it which are to be committed to memory, or in those which are useful for occasional reference.

The present edition has appeared under more favorable auspices, than the majority of our manuals has enjoyed. It is a singular good fortune to secure for such a work, the supervision of an experienced teacher, and an exact scholar, to see each little syllable, with its marks of quantity and accent all entire, safely through the perils of the press. The edition, as it might be expected, has the merit of being uncommonly accurate, and the form of the printing, both for neatness and convenience, is not to escape without commendation, because it makes humble pretensions. For, in truth, many school books, and almost every Greek or Latin author reprinted here until within a very few years, literally abound with errors of the press; so that often pupil, and teacher too, have given the name of a beautiful anomaly (*curious felicity* indeed!) to some printer's blunder. As to points, accents, and the like, they seem to have fallen out of the text as promiscuously, as travellers from Mahomet's bridge; and sometimes they come into it, like uninvited guests at a supper; more worthy, than they among the ancients, of the name of *umbræ*, for the shadow which they cast on the meaning.

But this edition, besides the merit of being printed with great fidelity and exactness, furnishes rules for pronouncing Latin, similar, in general, to those which have been used at Harvard University for two or three years. The basis of these is Analogy, as explained by Walker, in his Key to the pronunciation of proper names. The want most sensibly felt was, of some rule for determining the sounds to be given to the vowels. Walker resolved to make the analogy of his own language his guide in these. He left, however, two points unsettled. One of these was the sound of *es* and *os*, when final syllables. A custom had grown up so commonly of giving these terminations the long sound, (that of *ese* and *ose* pronounced in one syllable,) that the ear recoiled from any innovation. In the rule for the sound of the vowel, (p. 244,) Mr Gould makes an exception of 'plurals' in *os* to a general rule, that if a monosyllable end in a consonant, the vowel has the *short* sound; and he instances in *nos* and *hos*. But if there were reason to make this exception, it should be so comprehensive, as to include also the termination *es*, both singular and plural. For *res* is as commonly pronounced *rese*, as *hos* is pronounced *hose*. Besides, what reason can there be for limiting the exception to plurals? Can there be a propriety in giving to the same termination two distinct sounds, and only to distinguish the number? Must *hos* and *nos* be pronounced differently from *os*, *cos*, and *mos*? This seems at least to be arbitrary.

But we are better pleased with making no exceptions to the rule, that the termination in every consonant has the vowel sound short. For, in the first place, it is universally admitted to be true

of every consonant but *s* ; and of *s* too, with every vowel but *e* and *o* ; (*mas, rem, rebus, honor, pennis*, are never pronounced *mase, reme, &c.*) and this is evidently the analogy of our language ; and, secondly, it is as plainly not the analogy of our language to make the termination *es* and *os* long. Instances in monosyllables, are *mess, loss, moss*, in English. In a large proportion of words, *es*, the plural termination, forms one syllable with the singular, as in the word *mates*. In all other words, (Latin words of course excepted,) *es* has the *short* sound, as in *farces* ; and more purely in *happiness, unless*, where the doubling of the *s* has no effect on the vowel sound.

How this custom, of giving the long sound to the vowels in the terminations *es* and *os*, thus opposing the analogy of the vernacular tongue, could have been so general, is a point for conjecture and argument only. It is no explanation, that the Greek primitives in *es* were often in  $\eta$  and  $\omega$ , and therefore the adopted or derivative Latin word should preserve this sound, unless it is likewise reasonable, that the Latin derivative or adopted word should retain its short sound, when the Greek termination in *es* and *os* has  $\epsilon$  and  $o$ . For example ; if *Adarces* must be pronounced *Adarcese*, because the Greek ( $\text{Ἀδάρκης}$ ) has *e* long ( $\eta$ ) ; then *Dæmones* should be pronounced *Dæmoness*, because the Greek ( $\text{Δαίμονες}$ ) has *e* short ( $\epsilon$ ). But the fact is, that in both cases, the termination has been pronounced long. And Walker, against his great principle, analogy, has given it this sound, in his English Dictionary, in all Latin and Greek derivatives, without exception. Now it is sufficiently apparent, that to pronounce every final *es* and *os* *short*, can be no greater neglect of the original Greek terminations, than it is to pronounce them *long* ; and, therefore, as we are left to decide the point by analogy alone, the preference of the short sound is natural and just ; and the rule admits of no exception. For there is reason for refusing to make a distinction, to suit each various termination of the Greek. Besides its making the knowledge of another language essential to the pronouncing of the Latin, and besides its want of support or parallel in our own, it would impose no easy task on the memory of the best trained scholars ; it would provide no rule for other words, not thus derived ; and, what is still more worthy, we think, of observation, it would introduce two opposite ways of pronouncing the very same Greek vowel ; as for instance, the  $\eta$  in *Semele*, in which the genitive, would be pronounced *Semelese*, but in the accusative, *Semelen*, not *Semelene*. Being left then to analogy, we confidently pronounce *timentes* like  $\text{ἰδόντες}$  ; and feel as little remorse in the change, as in pronouncing *tibi* and *sibi* like *mihi*, and *lini*, and *cibi* (food,) and every other word of a similar kind, instead of making an exception in favor of those sounds, which custom has permitted



to intrude among the stately measures of a language, commonly esteemed to convey to the ear a sense of its dignity.

But both Walker and Adam have omitted, what, in a future edition, we recommend to the present editor to supply. On page third of the Grammar, the remark of Walker is repeated, that 'in dividing words into syllables we are chiefly to be directed by the ear.' But no answer is given to the question what directs the ear itself. The answer is obvious; the ear is directed to form a syllable by a determinate sound, which the analogy of our own language gives to every vowel so situated as it is in that syllable. Rules founded on this analogy, must first show the sound of the vowel to be either the *long* or the *short*. If this be done, the rule for the formation of syllables will be simple. When the sound is long, the vowel ends the syllable; when the sound is short, the consonant, next following, ends the syllable. On the accent, and its place, we find but one opinion. For scholars and grammarians have had reason to conclude, that the accent was determined by the quantity of the word, when it consisted of more than two separate vowels; that if the quantity of the penultimate vowel was long, it was accented, (Diomedes, Putsch, p. 426,) but if otherwise, the antepenultimate, (Diomedes gives a tribrachys in proof, *melius*;) that the first of only two separate vowels, (id. p. 427,) that is, in a dissyllable, whatever its quantity, is accented; and that these, whatever were the popular corruptions in speaking, were probably acknowledged to be the legitimate places for the accent in the age of Cicero. 'Apud Latinos duo tantum loca tenet [sc. accentus acutus] penultimum et antepenultimum.'\*

The rule, therefore, is established; although undoubtedly, while a language is vernacular, the deviations from it must be frequent; from motives of convenience, (as, for example, two senses of the same word, with the same quantity, could be marked by a different accent, 'causa discretionis,' Diomed. p. 428, that is, for the sake of distinguishing the sense; see Zumpt's Grammar, p. 390,) or in consequence of the vulgar cant, which always soils, in some degree, the flow of a spoken language. But when that tongue is no longer in use, and the occasion for such deviations, for convenient intercourse with various classes of men, has passed away with themselves, we can recur to the plain principle which is definite, while the departures from it are not capable of being distinctly traced out.

We will dwell on the subject of Latin pronunciation only a moment longer. If any one aim at a degree of accuracy, beyond what these rules of analogy supply, he might as well aim his

\* Diomed. Priscian almost copies him, pp. 1186, 1287—8. Donatus, p. 1739. Cleodnius Victorinus, p. 1888. Beda, 2358.

arrow, with the Indian, to bring down one of the stars. Professor Zumpt, of Berlin, supports the necessity of a distinction in dissyllables, between the sound of *Roma* and *homo*, which is to indicate that in *Roma* the penultimate is long, and in *homo* it is short. 'We must endeavor' he says, (page 390, of Kenrick's Translation of his Grammar,) 'to give the first syllable [of dissyllables, he means, in which it has the short quantity] that percussio of the voice which constitutes the accent, without lengthening the vowel, or yet doubling the following consonant.' That is, the proper sound of *homo*, is neither *hom-mo*, nor *ho-mo*, but an unknown something between them! If one wishes to be satisfied of the futility of such an endeavor, we beg leave to refer him to a note of Perizonius, on Sanctius, (Minerva, p. 22, et seqq. Amst. 1714). He will be able to judge, with what wisdom a modern would strive to obey these teachers of uncertain sounds; where one tells us, that *suaveque*, (with the accent on *e*, on account of the enclitic,) is to be pronounced not *suavéque*, much less, *suavéque*, but something different from both; and a second, Vossius, (a great name,) thinks, that the ancients gave two primary accents to the antepenultimate and penultimate, in the words *exadversum* and *aliquando*, in opposition, however, to the authority of Cicero and Quintilian, who state that in every word there can only be one primary accent, (*τόνος*). It is not, however, to be denied, that some distinction of this kind may have existed; but the proper ground is, that it is now lost, unattainable, and needless. *Edo* and *esito*, (as the critic has cited from Gellius,) were distinguished by a sound of the former, which was neither the  $\epsilon$  nor the  $\eta$  of the Greek. It was probably a provincialism. Those who employed it are in their graves. Let it lie buried with them, since they have neither told us *why* nor *how* we are to use it. But lest any presumption should be laid to the charge of the followers of Walker, in his view of the vowel sound and accent, we will add, for their solace, a passage from the critic now cited, who has a claim to be heard, if only because he was the pupil of that High Treasurer of literature, old Grævius. The following, then, are the words of Perizonius, on those distinctions of sound above described. 'Certe talia hæc sunt, quæ melius forsan ex continuo pronunciandi auditu et usu cognosci diu potuerunt, quam a nobis nunc ex grammaticorum præceptis percipi.' And respecting accent, his words are, 'illi [sc. Priscianus, etc.] omnem rationem accentûs seu toni in pronunciando retulerunt ad quantitatem syllabæ penultimæ. Quod et antiquiores Romanos fecisse nullus dubito.' Perizon. in Minerv. p. 25.

Mr Gould has furnished the rule of accent, in correspondence with what seems to us the only rational view of the subject. In general, too, it is with judgment, that the minor changes, and less

important additions, on which the editor has spent his diligence, have been made. It was desirable to omit that lumber, the English part of this Grammar, which no English scholar would be content with, and no Latin scholar could want. After a careful examination, we venture an opinion, that to every instructor it will appear the best edition of Adam, which can be obtained. The pupil, from the almost perfect accuracy of the quantity of each syllable, will escape the danger of needing, perhaps, a month's correction of an error, which has been forced on him by the printer's carelessness, after having formed his ear to it by frequent repetitions, in committing the word to memory.

It might be less useful than invidious to bring into a very close comparison, the more recent grammars of the Latin tongue. But a class of books have borne this name, which have affected great philosophical nicety in arranging the various sentences, with an eye much more to system, than to the age, power, and disposition of the pupil. We presume that the grammar of our own language (and probably that of the Greek,) has been neglected, in consequence of that air of abstraction, which too studiously accurate definitions, and general remote deductions from many particulars, have imparted to many elementary books. The language, too, of many of these, is apparently addressed to those whose minds are in some respects opened to metaphysical speculation. Some relics of this creep through the best of our manuals.

In Adam's Grammar a few defects yet remain. The use of some words is either obsolete, or only known to readers of metaphysics. Affections, for example, are one thing to a boy who loves his mother affectionately, and quite another to one who has just read Adam Smith, or Cogan on the Passions. It is true, that the meaning in our language is restricted, from that of the primitive. Whatever the mind did, no less than what it was affected by, was undoubtedly expressed, to a Roman ear, by the primitive.\* But is any boy awake to this notion, when he repeats, 'Verbal adjectives, or such as signify an affection of the mind, govern the genitive?' And well may he pause in wonder to find *ignarus*, and *stupidus*, arranged among the words which signify affections.

The language of a book for boys should be simple and explicit. It will not answer to speak of words in *concord*, or under *government*, when common usage confines these words to different occasions. It is enough to say, that a verb is of the same person and number as its nominative, (to show a correspondence in two points;) that an adjective assumes a form corresponding to the gender, number, and case of the substantive which it qualifies; and

\* *Afficio*, i. e. *ad* and *facio*. What the mind *does* to a thing, as well as what the thing *does* to or *makes* for the mind.

that two substantives meaning the same thing correspond in case. But fortunately, the good sense of most pupils, by means of studying examples, struggles through the darkness of rules, in which common words are used in uncommon senses. The exceptions to be made to the language of Adam's Grammar are the less important, as it is abounding in examples, which teach the syntax sometimes in despite of the rule.

A grammar for schools should be distributed in a simple order; and experience must determine each instructor for himself, which of several methods of arrangement is to be preferred. It has appeared to us, that, in some more recent Latin grammars, the nice care to preserve a scientific order has pleased scholars, who made no account of the difference, in the power of receiving pleasure or benefit from it, between boys and men. The arrangement in Adam is natural and perspicuous. And in one respect, decidedly, the grammar of Dr Adam has an advantage above every other within our knowledge. He has been uniformly faithful to an object, ever to be kept in view by the writer of grammars for schools, namely, to make the pupil familiar with established rules, and the no less established exceptions, in which all writers are alike; and a failure in making the *exception* is no less, than in transgressing the *rule*. In other grammars of merit, and especially in some by German authors,\* the rule is either not exhibited distinct from the exceptions, the memory flies from rule to rule, and cannot alight; or else the exceptions, which make the very idiom of the language, are mingled with a crowd of those, which, if not ἀπαξ λεγόμενα of a single author, and which a new recension of manuscripts may exclude, are peculiar to only a few writers, and those not perhaps among the safest authorities.

But, while we thus prefer Adam's Grammar for an advantage of so much moment, we may be expected to admit, that others have traced infrequent idioms with a delicacy of critical *tact*, and collected them with a degree of industry, not found nor required in the grammars for schools. It is far from us to underrate the services which men, whose time has been spent in such inquiries, have rendered to the cause of letters. Grammar, in its wide sense, forms a branch of subtle philosophy.

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\* This fault has impaired the value of the grammar of Professor Zumpt; but Bröder's *Abridgment* of his own has some advantage over it, in point of clearness. It is the best of the smaller school grammars, which we have had an opportunity of seeing.

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The Conflagration; a Poem, Written and Published for the Benefit of the New Brunswick Sufferers. By George Manners, Esq. British Consul in Massachusetts. 4to. pp. 18. Boston. Ingraham & Hewes.

A New Song Book. By Samuel Brown. 18mo. pp. 86. Cincinnati, Ohio. S. I. Brown.

Orondalie; a Tale of the Crusades. By Byron Whippoorwill, Esq. to which are added other Original Poems. 8vo. pp. 56. P. Sturtevant. Hudson, N. Y.

Chelys Hesperia, Carmina quædam Anniversaria, et alia, numeris Latinis Sapphicus modulata, continens, cum Notis aliquot adjec-tis. Auctore S. Wilson, A. M. Lexingtoniæ. 8vo. pp. 23.

King Caucus. A Poem, by Walter Wagstaff, Esq. 8vo. pp. 67. New York. E. Bliss & E. White.

Mina, a Dramatic Sketch; with other Poems. By Sumner Lincoln Fairfield. 12mo. pp. 120. Baltimore. Joseph Robinson.

Leisure Hours at Sea; being a few Miscellaneous Poems. By a Midshipman of the United States Navy. New York.

## POLITICS.

A Register of Debates in Congress, comprising the leading Debates and Incidents of the Second Session of the Eighteenth Congress; together with an Appendix, containing the most important State Papers and Public Documents to which the Session has given Birth. To which are added, the Laws enacted during the Session; with a copious Index to the whole. Extra royal 8vo. pp. 512. Washington, D. C. Gales & Seaton.

Carta de Benigno Morales, por Felix Megia. 8vo. pp. 172. Philadelphia.

The Speeches, Addresses, and Messages of the several Presidents of the United States, at the Openings of Congress, and at their respective Inaugurations. Also, the Declaration of Independence, the Constitution of the United States, and Washington's Farewell Address to his Fellow Citizens. 8vo. pp. 536. Philadelphia. Robert Desilver.

The plan of this book is a good one, and the documents it contains render it useful and convenient in every library. The constitutions of each state, and the governors' speeches from the commencement of the state governments, printed in the same manner, would also be a desirable work, and easily compiled. Whether it would not be too voluminous to command a ready sale, is a question to be determined by previous inquiry.

## THEOLOGY.

Advices and Meditations of the late William Haslett, Esquire, with a Biographical Sketch of the Author. Charleston, S. C. Price 75 cents.

Observations on the Religious Peculiarities of the Society of Friends. By Joseph John Gurney. Philadelphia. B. & T. Kite.

The Week; or, the Practical Duties of the Fourth Commandment. 18mo. pp. 275. New York. W. B. Gilley.

Harriet and her Scholars; a Sabbath School Story. 18mo. pp. 90. Philadelphia.

A Sermon, delivered at the Ordination of the Reverend Hosea Hildreth, A. M. to the Pastoral Care of the First Church in Gloucester, August 3, 1825. By Abiel Holmes, D. D. 8vo. pp. 30. Cambridge, Hilliard & Metcalf.

A Sermon delivered at Winthrop, April 7, 1825, the annual Fast in Maine. By David Thurston, Pastor of a Church in Winthrop, Me. Augusta.

Remarks on the Distinguishing Doctrine of Universalism, &c. By Adam Empie. Wilmington, N. C. Price 75 cents.

An Address, delivered at the Commencement of the General Theological Seminary of the Protestant Episcopal Church in the United States, held in Christ's Church, New York, July 29, 1825. By James Kemp, D. D. 8vo. New York. T. & J. Swords.

Christian Sympathy, a Sermon preached to the Congregation of English Protestants, in the city of Rome, Italy, on Easter Sunday, 3d April, 1825. By Bishop Hobart. 8vo. Philadelphia. Price 19 cents.

An Appeal to Liberal Christians, for the Cause of Christianity in India. By a Member of the Society for Obtaining Information respecting the State of Religion in India. 8vo. pp. 63. Boston.

A Sermon delivered on the Twentyfifth Anniversary of the Boston Female Asylum. September 23, 1825. By F. W. P. Greenwood. 8vo. pp. 20. Boston.

Family and Private Prayers, compiled from the Devotional Writings of Bishop Andrews, Bishop Ken, Bishop Wilson, Jeremy Taylor, Doctor Hickes, and Doctor Johnson. By the Reverend William Berrian. 12mo. pp. 51. New York. E. Bliss & E. White.

A Discourse delivered before the Society for the Promotion of Christian Education in Harvard University, at its Annual Meeting, in the Church in Federal Street, Boston, on the Evening of the 28th of August, 1825. By John Brazer. 8vo. pp. 27. Boston. Cummings, Hilliard, & Co.

The Minister presenting his People to Christ. A Sermon, preached at the Ordination of the Reverend William C. Fowler, as Pastor over the first Congregational Church and Society in

Greenfield, Mass. August 31st, 1825. By Eleazar T. Fitch. 8vo. pp. 44. New Haven. T. G. Woodward & Co.

Canons for the Government of the Protestant Episcopal Church in the United States of America, &c. 8vo. pp. 43. New York. T. & J. Swords.

Attachment to the Redeemer's Kingdom; A Sermon, preached before the Prayer Book and Homily Society, in Christ Church, Baltimore, June 2, 1825. By the Rev. Stephen H. Tyng. 8vo. pp. 32. Georgetown, D. C.

A Sermon, on the Introduction to the Gospel of St John. By the Rev. Samuel Gilman. 8vo. pp. 16. Charleston, S. C.

The Address of the Executive Committee of the American Tract Society to the Christian Public, together with a brief Account of the Formation of the Society, its Constitution, and Officers. New York. D. Fanshaw.

A Sermon, preached at St Philip's Church, August 21, 1825, by Christopher E. Gadsden, on the Occasion of the Decease of General Charles Cotesworth Pinckney. 8vo. pp. 31. A. E. Miller. Charleston, S. C.

A Brief Outline of the Evidences of the Christian Religion. By Archibald Alexander. Second Edition. 12mo. pp. 251. Princeton. D. A. Borrenstein.

A Greek and English Lexicon of the New Testament, from the Clavis Philologica of Christ. Abr. Wahl, late Senior Pastor of Schneeberg, now Superintendent of Oschaz, Saxony. By Edward Robinson. 8vo. pp. 582. Andover. Flagg & Gould.

The Christian Instructor, containing a Summary Explanation and Defence of the Doctrines and Duties of the Christian Religion. By Josiah Hopkins. New Haven, Vt. 12mo. pp. 312. Middlebury, Vt. J. W. Copeland.

A Sermon, delivered in the Second Presbyterian Church, Pittsburgh, Penn. Oct. 16, 1825, in Aid of the Funds of the Western Missionary Society. By Elisha P. Swift. 8vo. Pittsburgh. D. & M. Maclean.

#### TOPOGRAPHY AND STATISTICS.

Pocket Guide for the Tourist and Traveller, along the Line of the Canals, and the Interior Commerce of the State of New York. Second Edition, with Additions and Corrections. By Horatio Gates Spafford, L. L. D. New York.

Report of the Canal Commissioners of the State of Illinois, made to the General Assembly on the 3d of January, 1825, and the Law to Incorporate a Company to open a Canal, to connect the Waters of Lake Michigan with those of Illinois River. 8vo. pp. 27.

## VOYAGES AND TRAVELS.

A Journal of a Tour around Hawaii, the largest of the Sandwich Islands. By a Deputation from the Mission on those Islands. 12mo. pp. 264. Boston. Crocker & Brewster.

The improvements, which have taken place among the inhabitants of the Society Islands and the Sandwich Islands, during the last twenty years, are among the remarkable events of the age. It is a new thing in the history of man, for savages to be civilised and christianised by direct efforts. In these islands, indeed, the problem, whether such an effect could be produced at all, has been solved for the first time. When Cook visited the inhabitants of these islands, few of the human family were more degraded in morals and intellect; but now, by the exertions of missionaries residing among them, and by their intercourse with people from civilised parts of the world, they have become acquainted with many of the arts of life and practise them, they have learnt reading and writing, abolished idolatry, reformed their governments, and are rapidly establishing institutions calculated to secure and increase their social improvement and happiness.

The tour around the island of Hawaii, or Owhyhee, (the island on which Captain Cook was killed,) is of a highly interesting character. It was performed by Messrs Ellis, Thurston, Stewart, Bishop, and Goodrich. 'The Journal was drawn up by Mr Ellis, from minutes kept by himself, and by his associates on the tour, who subsequently gave it their approbation.' These gentlemen enjoyed the best opportunity for observing the habits of the people, their modes of living, and moral condition, and also the physical structure, and the natural productions of the island. In all these respects the information contained in this Journal is novel, and will be highly gratifying both to the inquisitive and benevolent reader, who loves to contemplate the works of the Creator in all their variety, and to witness the efforts of philanthropic men for the improvement of the human race. In a future number we shall recur again to this 'Journal,' and speak more at large of its contents, and the curious topics they suggest.

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 AMERICAN EDITIONS OF FOREIGN WORKS.

The Precepts of Jesus, the Guide to Peace and Happiness. By Rammohun Roy, of Calcutta. New York. B. Bates.

Universal Geography. By M. Malte-Brun. No. VII. 8vo. Boston. Wells & Lilly.

An Exposition of the Natural System of the Nerves of the Human Body. By Charles Bell. 8vo. Philadelphia. Carey & Lea.

William Tell; a Play in five acts, as performed at the Park Theatre. By James S. Knowles. New York. E. M. Murden.

The Christian Father's Present to his Children. By J. A. James. 2 vols. 18mo. Boston. Crocker & Brewster.

Tremaine, or The Man of Refinement. 3 vols. 12mo. Philadelphia. E. Littell.

The Elements of English Composition. By David Irving, LL. D. Second American Edition. 12mo. pp. 312. Georgetown, D. C. James Thomas.

The Works of the Rev. Richard Cecil, M. A. late Rector of Bisley, &c.; with a Memoir of his Life. Arranged and Revised,

with a View of the Author's Character ; by Josiah Pratt. 3 vols. 12mo. Boston. Crocker & Brewster.

Works of Maria Edgeworth. Vol. XII. containing 'Early Lessons.' 8vo. Boston. S. H. Parker.

A Theoretical and Practical Arithmetic, &c. Translated from the French, improved, and adapted to the Currency of the United States, by Noble Heath. Baltimore. S. S. Wood & Co.

Merivale's Chancery Reports. 3 vols. 8vo. New York. O. Halsted.

The Latin Reader. Part Second, chiefly from the fourth Edition of F. Jacobs, and F. W. Doering. 12mo. pp. 162. Boston. Cummings, Hilliard, & Co.

Rhetorica de Valero. 1 vol. 18mo. New York. Behr & Kahl.

Letters on the Elementary Principles of Education. By Elizabeth Hamilton. In two volumes. Third American Edition. Boston. Samuel H. Parker. 12mo.

A Practical Treatise on Rail Roads and Carriages. Illustrated by four Engravings and numerous useful Tables. By Thomas Tredgold, Civil Engineer. New York. 8vo. pp. 183. E. Bliss & E. White.

Blair's Outlines of Chronology, Ancient and Modern, &c. Hartford. S. G. Goodrich.

A Sermon on the Lord's Supper. By Andrew Kippis. 12mo. pp. 31. Salem. J. R. Buffum.

The Story of a Life. By the Author of 'Scenes and Impressions in Egypt and Italy,' &c. 1 vol. 12mo. pp. 452. Boston. Richardson & Lord.

The Tales of the Genii, translated from the Persian. By Sir Charles Morell, with Memoirs of the Author, 2 vols. 18mo. New York. D. Mallory.

Memoirs of the Countess de Genlis, &c. Written by herself. Vol. II. 8vo. New York. Wilder & Campbell.

Babylon the Great, a Dissection and Demonstration of Men and Things in the British Capital. By the Author of 'The Modern Athens.' 2 vols. 12mo. Philadelphia. Carey & Lea.

The Troubadour, Catalogue of Pictures and Historical Sketches, By L. E. L. Author of 'The Improvisatrice.' Philadelphia. Carey & Lea.

The Life and Exploits of the ingenious Gentleman Don Quixotte de la Mancha, translated from the original Spanish of Miguel de Cervantes Saavedra. By Charles Jarvis, Esq. To which is prefixed a Life of the Author. 4 vols. 18mo. New York. Evert Duyckinck.

The Adventures of Telemachus, from the French of M. Fenelon. Translated by Dr. Hawkesworth. 2 vols. 18mo. New York. D. Mallory.



Practical Morality; or a Guide to Men and Manners, consisting of Lord Chesterfield's Advice to his Son, &c. 18mo. pp. 233. New York. George Long.

The Iliad of Homer. Translated by Alexander Pope. 2 vols. 18mo. New York. W. Borrodaile.

An Essay on the Nature and Immutability of Truth, in Opposition to Sophistry and Scepticism. By James Beattie. 8vo. pp. 320. New York. G. & C. Carvill.

C. Cuspi Sallustii Opera, ommissis Fragmentis, omnia; ad optimorum exemplarium fidem recensita. Animadversionibus illustravit P. Wilson, L. L. D. Litt. Græc. et Lat. etc. in Collegio Columbiano Neo-Eboracensi nuper Professor. Editio Quarta. Recensuit notasque suas adpersit Carolus Anthon, in eodem Collegio Litt. Græc. et Lat. Prof. Adj. 8vo. pp. 234. New York. G. & C. Carvill.

The Works of Virgil, translated by Dryden. 2 vols. 18mo. New York. W. Borrodaile.

The Vicar of Wakefield; a Tale by Oliver Goldsmith. 18mo. pp. 232. New York. George Long.

Essays and Poems. By Oliver Goldsmith, with a Memoir of the Author. 18mo. pp. 215. New York. D. Mallory.

Archæologia Græca; or the Antiquities of Greece. By John Potter, D. D. First American from the last Edinburgh edition. With a Continuation of the History of Greece, &c. By Charles Anthon. New York. 1 vol. 8vo. Collins & Co.

A General View of the Manners, Customs, and Curiosities of Nations, &c. By the Rev J. Goldsmith. Revised by the senior publisher. 2 vols. 12mo. New Haven. I. Babcock & Sons.

English Grammar, adapted to the different Classes of Learners. By Lindley Murray. 12mo. pp. 312. Bridgeport, Ct. J. B. Baldwin.

History of the Church of England, from the earliest Periods to the present time; being chiefly an Abridgment of Grant's. By the Rev Edward Rutledge, A. M. 8vo. pp. 820. Middletown, Ct.

Reciprocal Duties of Parents and Children. By Mrs Taylor. Boston. 18mo. pp. 144. James Loring.

English Synonymes, explained in Alphabetical Order, &c. By George Crabb. From the third London Edition, revised and corrected. 8vo. New York.

The Ancient History of the Egyptians, Carthaginians, Assyrians, Babylonians, Medes and Persians, Macedonians, and Grecians. By C. Rollin. 2 vols. 4to. Boston. Samuel Walker.

Another Edition of the same work. 8 vols. 12mo. Philadelphia. W. W. Woodward.

Another Edition. 4 vols. 8vo. New York. W. Borrodaile.

A Treatise on Derangements of the Liver, Internal Organs and Nervous System; Pathological and Therapeutical. By James

Johnson, M. D. First American from the second London edition. 8vo. pp. 221. Philadelphia. Carey & Lea.

Napoleon and the Grand Army in Russia; or a Critical Examination of Count Philip De Segur's Works. By General Gourgaud. Translated from the French by a gentleman of Philadelphia. 8vo. Philadelphia. A. Finley.

The Scottish Chiefs, a Romance. By Miss Jane Porter. 3 vols. 18mo. Exeter. Gerrish & Tyler.

C. Cornelli Taciti Historiarum Libri Quinque; cum Libro de Germania, et Vita Agricolaë, cum notis Barbou. 12mo. pp. 299. New York. S. King.

The Works of Flavius Josephus. Translated by William Whiston, A. M. 4 vols. 8vo. Philadelphia. W. W. Woodward.

An Abridgment of the History of England. By Dr Goldsmith. Continued to the Present Time, by several Gentlemen. Stereotype edition. 12mo. pp. 324. Boston. T. Bedlington.

Domestic Medicine, &c. By William Buchan, M. D. &c. To which is added a Family Herbal. A new edition, revised and amended. By John G. Coffin, M. D. 8vo. pp. 652. Boston. Phelps & Farnham and N. S. Simpkins.

The Poetical Works of James Montgomery. 4 vols. 18mo. Boston. T. Bedlington.

A History of the Christian Church. By the Rev William Gahen. Philadelphia. E. Cummiskey.

History of the Reformation, in four Cantos. By Thomas Ward, Esq. Philadelphia. E. Cummiskey.

Juliana Oakley, a Tale. By Mrs Sherwood. 18mo. pp. 90. Hartford. Oliver D. Cooke & Co.

View of the Internal Evidence of the Christian Religion. By Soame Jenyns. Princeton, N. J.

Scougal's Life of God in the Soul of Man. Princeton, N. J.

Manual of Surgical Operations; containing the new Methods of Operating devised. By Lisfranc and Coster. The Translation and Notes, by John D. Godman, M. D. Philadelphia. Carey & Lea.

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### PERIODICAL WORKS.

The following list of periodical works is given, without presuming that it is in any degree perfect. In the theological and miscellaneous departments, in particular, it is unquestionably defective. It is such, however, as our means have enabled us to collect. A similar list will be occasionally inserted, and the only mode of insuring completeness will be for publishers to forward the titles and conditions of their works.

#### ARTS AND SCIENCES.

American Journal of Science and Arts, conducted by Professor Silliman. 2 Nos. to a Volume, 2 vols. a year. \$3, per volume. New Haven. S. Converse.

The Boston Journal of Philosophy and the Arts. Conducted by John W. Webster, M. D. and Daniel Treadwell. Every two months. \$4 per Annum. Boston. Cummings, Hilliard, & Co.

American Mechanic's Magazine. Conducted by Associated Mechanics. Weekly. \$4 per Annum. New York. James V. Seaman.

Journal of the Academy of Natural Sciences of Philadelphia. Monthly.

#### MEDICINE.

The Medical Review, and Analectic Journal. Conducted by John Eberle, M. D. and George Mc Clellan, M. D. Quarterly. \$5 per Annum. Philadelphia. A. Sherman.

The Philadelphia Journal of the Medical and Physical Sciences. Edited by N. Chapman, M. D. Quarterly. \$5 per Annum. Philadelphia. Carey & Lea.

The Medical Recorder. Conducted by Samuel Calhoun, M. D. \$5 per Annum. Philadelphia. James Webster.

The New England Journal of Medicine and Surgery. Conducted by Walter Channing, M. D. and John Ware, M. D. Quarterly. \$3 per Annum. Boston. Wells & Lilly.

The New York Medical and Physical Journal. Edited by John B. Beck, M. D. Daniel L. M. Peixotto, M. D. and John Bell, M. D. Quarterly. \$4 per Annum. New York. E. Bliss and E. White.

The Carolina Journal of Medicine, Science, and Agriculture. Conducted by Thomas Y. Simmons, M. D. and William Mitchel, M. D. Quarterly. Charleston, S. C. Gray & Ellis.

#### MISCELLANEOUS.

The United States Literary Gazette. Semi-Monthly, \$5 per Annum. Boston. Cummings, Hilliard, & Co.

The Port Folio. Monthly. \$6 per Annum. Philadelphia. H. Hall.

Boston Monthly Magazine. Edited by Samuel L. Knapp. Monthly. \$4 per Annum. Boston.

New York Review, and Athenæum Magazine. Edited by William C. Bryant, and Henry Anderson. Monthly. \$6 per Annum. New York. E. Bliss & E. White.

Annals of the Lyceum of Natural History. At irregular Periods. New York. E. Bliss & E. White.

The Garland, or, New General Repository of Fugitive Poetry. Edited by G. A. Gamage. Monthly. \$4 per Ann. Auburn, N. Y.

African Repository and Colonial Journal. Monthly. \$2 per Annum. Washington, D. C. Way & Gideon.

The Massachusetts Agricultural Repository and Journal. Semi-annually. \$1 per Annum. Boston. Wells & Lilly.

The Long Island Journal of Philosophy, and Cabinet of Variety. Conducted by Samuel Fleet. Monthly. \$3,50 per Annum. Huntington, N. Y. H. Herskell.

Philadelphier Magazin fur Freunde der Deutschen Literatur in America. Monthly. Philadelphia. George Ritter.

The Mathematical Diary. Conducted by R. Adrain, L. L. D. &c. Quarterly. \$1 per Annum. New York. James Ryan.

The Friend of Peace. Monthly. \$1 per Annum. Cambridge. Hilliard & Metcalf.

Worcester Magazine and Historical Journal. Monthly. Worcester, Mass. Rogers & Griffin.

#### *THEOLOGY.*

Biblical Repertory, a Collection of Tracts in Biblical Literature. Edited by Charles Hodge. Quarterly. \$4 per Annum. New York. G. & C. Carvill.

Christian Examiner and Theological Review. Every two Months. \$2 per Annum. Boston. Cummings, Hilliard, & Co.

Christian Spectator. Conducted by an Association of Gentlemen. Monthly. \$3 per Annum. New Haven. S. Converse.

The Missionary Herald. Monthly. \$1,50 per Annum. Boston. Crocker & Brewster.

Gospel Advocate. Monthly. \$2 per Annum. Boston.

The American Sunday School Magazine. Monthly. \$1,50 per Annum. Philadelphia.

The Rational Bible-Reformer, and Unitarian Monitor. Monthly. \$1 per Annum. Near West Union, Adams County. Ohio.

The Literary and Evangelical Magazine. Monthly. Richmond, Virginia. Nathan Pollard.

The American Baptist Magazine. Monthly. \$1,50 per Annum. Boston. Lincoln & Edmands.

#### *FOREIGN WORKS REPUBLISHED.*

Edinburgh Review. \$5 per Annum. Boston. Wells & Lilly.

Quarterly Review. \$5 per Annum. Boston. Wells & Lilly.

The New Monthly Magazine, and Literary Journal. Monthly. \$6 per Annum. Boston. Cummings, Hilliard, & Co.

The Museum of Foreign Literature and Science. Monthly. \$6 per Annum. Philadelphia. E. Littell. Selected from Foreign Journals.

Athenæum, or, Spirit of the English Magazines. Semi-Monthly. \$4 per Annum. Boston. John Cotton. Selected from Foreign Journals.

The Medico-Chirurgical Review, and Journal of Medical Science. Quarterly. \$5 per Annum. New York. J. N. Seaman.

The Christian Observer. From the London Edition. Monthly. \$4 per Annum. New York. S. Whiting.

Journal of Foreign Medical Science and Literature. Conducted by Samuel Emlin, Jun. M. D. Quarterly. \$4 per Annum. Philadelphia. E. Littell.

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CAREY & LEA, propose publishing by subscription in Philadelphia a NEW WORK, to be entitled, AMERICAN BIOGRAPHY, or HISTORICAL DICTIONARY OF EMINENT AMERICANS. By ROBERT WALSH, JR.

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IN PRESS,

And will soon be published, **SOME ACCOUNT of the LIFE, WRITINGS, and SPEECHES of WILLIAM PINKNEY.** By **HENRY WHEATON.**

This work will include some of Mr Pinkney's Speeches in Congress and at the Bar, never before published; his Written Opinions delivered at the Board of Commissioners in London under the British Treaty of 1794; and his private Correspondence with Mr Madison, Mr Monroe, and others, during his Residence in England, Naples, and Russia, as Minister of the United States.

Also in Press, **SKETCHES POLITICAL and HISTORICAL of ALGIERS;** containing an Account of the Geography, Population, Government, Revenues, Commerce, Agriculture, Arts, Civil Institutions, Tribes, Manners, Languages, and Recent Political Events of that Country. By **WILLIAM SHALER,** American Consul General at Algiers.

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A review of Mr Verplanck's 'Essay on the Doctrine of Contracts' came too late for the present number. It will appear in our next.

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*Periodicals of the United States and Europe, for which*  
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**NORTH AMERICAN REVIEW.** The object of this work, as well as the character of its supporters and contributors, is summed up in the following extract from the prospectus of its editor and proprietor, Rev. Jared Sparks :

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**EDINBURGH AND QUARTERLY REVIEWS.** Their re-publication at Boston was commenced under the strong recommendation of some of our most distinguished citizens, as the following extracts will shew :—

*Extract of a letter to the publishers, from Judge Story :*

“ If any thing I could say would increase the circulation of the *Edinburgh and Quarterly Reviews*, my testimony would be very cheerfully given in their favour. They have hitherto made their way to a very general patronage by their intrinsic excellence in almost every department of knowledge; and if they continue to exhibit the same spirit of research and the same variety of talent, we may all say, in the language of Doctor Johnson, it will be in vain to blame, and useless to praise them.”

*Extract of a letter from the Hon. Richard Rush, Secretary of the Treasury.*

“ The only hesitation which I feel in replying to your letter of the 6th of this month, is, that commendation of the *Edinburgh Review*, at any hands, would seem superfluous. The more it is read the better. Besides the useful and various matter which enrich its pages so often, too, assuming an elementary cast, there is scarcely a number, but brings with it the gratifications of classic and beautiful writing. Readers of taste open its numbers with avidity. In science it is instructive, in morals pure, in the *Belles Letters* delightful, and in politics, we frequently see it pleading with eloquence and spirit the just rights of mankind. I, for one, most heartily wish it a wide circulation in our country. It cannot fail to help the cause of literature and genius.”

*Extract of a letter from Dr. Hosack.*

I have taken those works from the commencement of their publication, and must add, that I know of none of that nature, which convey equal information, or are executed in a style that is more pure and elegant. They have already done much, and are calculated still further to improve and extend the literary taste of our country.

*Extract of a letter from Hon. Cadwallader D. Colden.*

"It seems to me that the commencement of these publications will form a new and brilliant era in the history of literature; not only as they are distinguished from every thing of the same nature which preceded them, in point of literary merit, but as it introduced a new and happy mode of diffusing scientific information.

"I consider these Journals as invaluable to a great many people in this country who, like myself, cannot have access to the books to which they introduce us, and who have not much leisure for reading on subjects unconnected with our professional pursuits. They afford us information as to the state and transactions of the republic of letters, which we on this side of the Atlantic could not gather from any other source. They give us a knowledge of the people, religion, morals, manners, politics, and literature of Europe, and of the arts and sciences, and of the improvements which are daily making on them, which we should be in a great measure without, were it not for these works."

"The merits of these Reviews are, in my opinion, pre-eminently great, as literary works, and the American publishers are entitled to the public patronage.

DE WITT CLINTON.

"The Edinburgh and Quarterly Reviews being superior to all other works of the same kind, I earnestly hope that the proprietors may be encouraged to continue their republication in this country.

RUFUS KING.

"I cordially concur in the same recommendation of the republication of the Edinburgh and Quarterly Reviews, and in the same opinion of their merits.

JAMES KENT.

*The Edinburgh and Quarterly Reviews are published quarterly; each number containing about 275 pages—Price \$5 a year.*

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tinguished countryman and Poet, James G. Percival, is the conductor of the department of "Original Poetry."

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Any extracts from the honourable mention of this Journal, frequently made both by European and American reviews, are, from the standing of Professor Silliman, thought unnecessary, to shew either its high character or promote its circulation. *Published in quarterly numbers of more than 200 pages each, illustrated with numerous maps and engravings, price \$6 a year.*

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*The following is from the North American Review:*

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*From Poulson's American Daily Advertiser.*

“It is to be desired, that a work emanating from such a source, and promising so much usefulness to the practitioner, to which object, as appears by the preface, the constant efforts of the editors are to be directed, should be duly appreciated by an enlightened profession. It is well known to many of the faculty, that Professor Nathan Smith has, in the course of a long and extensive practice in Surgery, collected a great variety of valuable materials which have not yet been published; and it is now understood that the Doctor will, from this source, make considerable contributions to the future numbers of the Journal.”

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**CHRISTIAN EXAMINER,** is a work published under the patronage of the Unitarian clergymen of Boston and Cambridge. It advocates their peculiar sentiments with much talent and ingenuity, and by the Unitarians of the United States is considered their most valuable and justly celebrated periodical work. *Published once in two months. Price \$2 a year.*

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H. HUNTINGTON, JR.

## NOTICE.

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### POSTAGE.

As complaints are occasionally made in regard to the rates of postage charged on the North American Review in some of the post offices, we have taken pains to ascertain from the Post Master General the accurate mode of charge. For the benefit of our distant subscribers, therefore, we state on his authority, that the proper charge is *one and a half cent a sheet* for any distance not exceeding *one hundred miles*, and *two and a half cents a sheet* for any greater distance.

The North American Review is in the octavo form, in which *sixteen pages* make a sheet. By allowing one and a half cent for every sixteen pages, therefore, when the distance is not over one hundred miles, and two and a half cents for every sixteen pages, when the distance is greater, the proper amount of postage may be easily ascertained.

## ADVERTISEMENT.

IN the month of May of the present year, Mr and Mrs D. GHERARDI propose to establish in Northampton, a School for Young Ladies. They have taken pains to provide all the means, which are thought requisite for the purposes of female education. The habits of domestic life must fix the character of the discipline of such an institution; and retirement in the country seems, if not essential, at least favorable to their efforts.

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Music is also esteemed a very desirable accomplishment, and in order that it may be taught efficiently, a lady, who has long cultivated the art and is experienced in instruction, has been engaged to give daily lessons on the piano forte. Other accomplishments will in their season receive due attention.

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The nature of the subject forbids a more minute statement of the principles, on which the school will be conducted. The present effort is not made without a due sense of the importance of female education, and its influence on social life. Attention to this design is asked with that confidence, which may come from a determination to leave nothing untried, in order to deserve the favor and esteem of the public.

The terms of the school are three hundred dollars annually, payable in advance at the commencement of each quarter. In this all expenses of living and instruction are included. If those, who may take an interest in this undertaking, will address themselves to Mrs D. GHERARDI, at Northampton, Massachusetts, their communications will receive immediate attention.

*Northampton, Mass. January 2, 1826.*

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# NORTH AMERICAN REVIEW.

No. LI.

NEW SERIES, NO. XXVI.

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APRIL, 1826.

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ART. I.—*An Essay on the Doctrine of Contracts ; being an Inquiry how Contracts are affected in Law and Morals, by Concealment, Error, or Inadequate Price.* By GULIAN C. VERPLANCK. New York, 1825. 8vo. pp. 234.

WE believe it is Lord Bacon, who says, that important improvements in the existing laws of any country are not to be looked for either from mere technical lawyers, or from speculative philosophers. The first class he holds to be unfit for the task of legal reformation, because their intellectual habits are too narrow and confined, and the latter, because their theoretical notions are not enlightened by experience, and they are apt to generalize from a too hasty induction. The noble work of legislative improvement, *opus heroicum*, he assigns to those whom he calls *statesmen*, whose views are large and comprehensive, and at the same time rectified by an extensive and practical knowledge of human affairs. But in using this designation he certainly could not mean to apply it to those, who are vulgarly called statesmen ; but who in all times have been, nearly without exception, entirely neglectful of every thing, except the business of war, negotiation, and finance.

Indeed the profound ignorance of the science of political economy, and of the philosophy of legislation, which attaches to some great names in this class, is truly remarkable. From the days of Pericles down to those of Pitt, what statesman has

devoted his attention to promoting the happiness of his fellow men, by an enlightened and anxious investigation of the laws by which they are governed, and by an honest effort to amend their glaring defects? Such men as Montesquieu, and Smith, and Filangieri, and Beccaria, and, notwithstanding his eccentricities, we will add, Bentham, have bestowed upon those subjects a depth of thought, and an extent of investigation, worthy of their importance; yet it is but recently that the writings of these and other philosophers have produced any effect upon the councils and conduct of the rulers of states. How else has it happened, that the administration of justice in most civilized countries continued in such a barbarous state, until the establishment of the new French codes, and that it still remains in the greater part of Europe so far short of fulfilling the great end of society? How has it happened, that it is still almost everywhere notoriously partial and corrupt, and where it is not so, that it should be burthened with so many idle, perplexing, and expensive forms of procedure? How is it, that the horrid practice of torture in criminal cases was in use all over Europe, until a comparatively recent period; in Scotland, so late as the year 1690; in Prussia, until the establishment of the Frederician code; in France, until the edict of Louis the Sixteenth, prompted by the benevolent mind of Malesherbes, and which was thought to be a mighty triumph of philosophy over inveterate prejudice? How has it happened, that in England, the country which is so far in advance of all other European nations in civil freedom, counsel were not allowed to the accused, even in cases of treason, where the terrors of the law and the whole weight of government are brought to bear upon the unhappy prisoner, until the statute of 7 Will. III, and is not allowed to this day in any capital case, except for the mere purpose of addressing the court upon such points of law as may arise! \*

\* "I look upon the administration of justice," says Lord Hardwicke, "as the principal and essential part of all government. The people know and judge of it by nothing else. The effects of this are felt every day by the meanest, in the business and affairs of common life. Statesmen indeed have their attention called off to more extensive political views; they look abroad into foreign countries, and consider your remote interests and connexions with other nations. But of what utility are those views, great as they are, unless they be referred back to your domestic peace and good order? The chief office of government is to secure us the regular course of law and justice." *Hansard's Parliamentary History*, vol. xiv. p. 20.



We have mentioned these things, not from a querulous disposition, nor because they are the most glaring examples we could have selected of the slow progress of legal improvement, and of the general indifference with which these subjects have been regarded by professional statesmen. We have only alluded to them for the purpose of contrasting this indifference with the spirit of inquiry, which has now gone forth. An anxious desire to engage in the investigation of these subjects is now extensively diffused. It is directed by such enlightened, sound, and practical views, that we may be allowed to hope for great improvements in all the institutions connected with the administration of justice. The liberal principles which have recently been professed by the British ministers, on questions relating to the science of legislation, and to political economy, are among the most remarkable signs of the diffusion of this spirit. At the time when Dr Smith wrote, firmly convinced as he was of the value and importance of the truths taught in his immortal work, he hardly dared to hope that they would ever be taken as a guide for the conduct of governments; and Sir Samuel Romilly, who had been so often baffled in his well considered projects of reform, by a blind and bigotted attachment to the existing order of things, could not have anticipated, that these projects were so soon to be adopted by the ministers of the crown, and carried through Parliament by the same influence, which had been before successfully exerted to defeat them.

The rulers of mankind begin to see, and to feel, that the civil and penal legislation, by which nations have been hitherto governed, is far behind the general improvement of the age; that time, 'the greatest innovator,' has been silently, but actively at work, whilst they have been attempting to resist those salutary changes, which are necessary to adapt existing institutions to the changes wrought by this mighty agent; and that to avert sudden and violent revolution they must *conduct off* the spirit of innovation, which has been let loose, in some safe course of gradual and considerate reformation. Hence the extensive alterations in the British laws of trade and navigation, which have been proposed by Mr Huskisson, and the revision and consolidation of the statutes suggested by Mr Peel. Hence, too, the appointment of a commission to inquire into the abuses connected with the administration of justice, in the Court of Chancery. In this country we have already done more towards the simplification of the laws, and the practice of the courts, than will

probably soon be accomplished in Great Britain, where abuses are more inveterate, and more closely connected with the whole existing order of things in the state. Here we have, perhaps, less difficulty to encounter from the horror of innovation, than from crude, rash, and improvident projects of reform. But with the characteristic good sense and moderation of our people, we shall probably find more than a compensation for the evils to be apprehended from this source, in that timid caution, which is inspired by the habitual prejudices of professional men, and which will not suffer any proposed amendment of the law to escape a severe scrutiny. More is perhaps to be apprehended from the impatience, with which a promised good is looked forward to, and which makes men unwilling to reflect how many deep and complicated considerations are connected with every change in the laws of a country.

Those, who refer to the three years' labours of Tribonian, and his associates, in the compilation of the Pandects, as an example of the facility, with which the whole body of the laws of a great empire may be consolidated into a code, are little aware of the immense difference of the materials, with which those legislators worked, from those, which must enter into the composition of a written code, in a country governed by the common law and equity system of England. They are also probably as little aware of the extreme crudity and imperfection of the work, which they produced in so short a space of time. The Ante-Justinian jurisprudence was rich in legal principles, drawn from natural law, and from the science of ethics and analagous reasoning, and skilfully adapted to the wants and necessities of civilized society. It had already been reduced to symmetry and method by the writings of the jurisconsults, who, according to Leibnitz, 'all resemble each other like twin brothers, insomuch that, from the style alone of any particular opinion, hardly any conjecture could be formed respecting the author.' The codifiers of that day had therefore little more to do, than to consolidate these *responsa prudentium* with the imperial rescripts upon the same titles, and to arrange the whole in the natural order of the subjects. How inadequately they have accomplished this task, is best known to those who have studied the history of this science, at present almost entirely neglected, except by the scholars and civilians of Germany.

It is commonly supposed, that the compilers of the Pandects

intended to follow the general arrangement of the *Perpetual Edict*; yet this method is by no means uniformly adhered to, and the *Laws*, or as we should call them, *adjudged cases*, are cited and arranged in the most arbitrary and capricious manner. They are full of *antinomies*, or contradictory decisions, of different emperors, and of the jurisconsults of rival sects, which all the skill and subtilty of modern civilians have not been able to reconcile. The text of the writers, who are cited as the authorities for the *Laws*, is sometimes corrupted by the negligence and carelessness of the transcribers employed by Tribonian; and at others, the genuine text is falsified to subserve the vile purposes of a sovereign, 'who sold his judgment and his laws.' This work was undertaken by a superstitious and despotic prince, under the guidance of corrupt and profligate ministers, in the old age and decrepitude of the empire, when the shades of barbarism had covered the West, and were fast settling over the East. No wonder that the severe scrutiny of a more enlightened age has discovered so many blemishes in a code, compiled with such marvellous rapidity. The defects in the method of the original Pandects will be obvious to any one, who has the curiosity to examine the admirable edition of Pothier, (*Pandectæ Justinianæ in Novum Ordinem Redactæ*,) upon which he spent the leisure of twenty years of his laborious life, in arranging the *Laws* in a natural method, in purifying the text, in filling up the numerous *lacunæ* left in the original work, and in connecting the whole together by a series of definitions, propositions, and corollaries, forming a complete system of the civil law, and for the first time actually accomplishing a work, of which the agents of Justinian had vainly boasted so many centuries before.

The public attention has been recently directed in this country to the subject of improvement in legislation. The measures adopted by the legislature of Louisiana for the compilation of a written code, and the steps taken by the state of New York, towards a more perfect revision of the statute laws, than has yet been attempted in this country, are very important indications of the progress of the public mind in respect to this subject. Every proposition for the amendment of the law, short of a complete written code, must contemplate either a revision of the text of the statutes, with a view to the correction and simplification of their phraseology, and a consolidation of the existing provisions in a better method and order, or to the ar-

rangement of the subjects; or it may combine with these improvements substantial alterations, incorporating more or less of the principles, which have been settled by the decisions of the courts of law and equity.

We shall say nothing at present of the wisdom of such a design, as that last mentioned. But supposing it to be expedient, an essential preliminary to its execution would seem to be a careful examination of the present system of law and equity, in order to ascertain upon what foundations it rests, how far its different parts are reconcilable with the principles of natural justice and the dictates of reason and conscience, how far they depend upon positive institution and the mere authority of adjudged cases, and whether they can be arranged into a consistent whole, suited to the wants and adapted to promote the welfare of a highly civilized and commercial society.

Such appears to be the object of the Essay before us, so far as respects a particular title of the law of Contracts. This it discusses, somewhat in the manner of Sir William Jones's elegant treatise on the law of Bailments, but with a bolder hand; and less with the purpose of reconciling the anomalies of the existing law, and of showing what *it is*, than of comparing its precepts with those of reason and conscience, and thus endeavoring to ascertain what *it ought to be*. In this point of view it aims at a higher object, than can be supposed to be intended by any treatise of mere technical law. Such a discussion ought properly to precede every proposition of reform, in general legislation. A code of laws cannot be prepared *pro re natâ*, and enacted without regard to the preexisting law, practice, and legal habits of the country where it is to be established.

Independently of their utility in this respect, investigations of this sort must always be attractive to those who regard law as a science founded on reason, and not merely resting on positive institution and the authority of precedents. They must also command the attention of those, who delight to trace the analogies of this science, and, in the words of Lord Bacon, to 'collect the rules and grounds dispersed throughout the body of the same laws, in order to see more profoundly into the reason of such judgments and ruled cases, and thereby to make more use of them for the decision of other cases more doubtful; so that the uncertainty of law, which is the principal and most just challenge that is made to the laws of our nation at this time, will, by this new strength, laid to the foundation, be somewhat the more settled and corrected.'

The question, which Mr Verplanck has investigated, arose out of a case determined in the Supreme Court of the United States, and reported in the second volume of Mr Wheaton's Reports, p. 195. The case related to the validity of a contract of sale made under the following circumstances. Some American merchants, who were on board the British fleet, after the memorable attack on New Orleans, in January, 1815, received the unexpected news of the treaty of peace, which had been signed at Ghent, and brought it up to the city the same night. Soon after sunrise the next morning, and before it could possibly be known among men of business, a merchant, who had been put in possession of the information, called upon another, and contracted for the purchase of a large quantity of tobacco at the market price of the day, without giving the vendor any hint of the intelligence, but at the same time without saying anything calculated to impose upon him. Immediately after the news of peace was publicly known, the price of tobacco rose more than fifty per cent.

Upon this state of facts, Mr Chief Justice Marshall, in delivering the opinion of the Court, observed, that the question was, 'whether the intelligence of extraneous circumstances, which might influence the price of the commodity, and which was exclusively within the knowledge of the vendee, ought to have been communicated by him to the vendor? *The Court is of opinion that he was not bound to communicate it.* It would be difficult to circumscribe the contrary doctrine within proper limits, where the means of intelligence are equally accessible to both parties. But at the same time each party must take care not to say or do anything tending to impose upon the other.'

Mr Verplanck expresses his regret, that this important decision should be stated in this brief and general manner, and that the Chief Justice had not applied his logical and original mind to the thorough examination of this subject, in all its bearings. He then proceeds to enumerate some of the difficulties and contradictions which appear to embarrass the question of the nature and degree of equality required in contracts of mutual interest, as well in reference to inadequacy of price, as to the more perplexing difficulty of inequality of knowledge.

'All jurists,' says he, 'agree in general terms to recognise as the leading principle of the law of contracts, that good faith must be preserved, and that fraud or art on either side affords sufficient ground for the interference of the law, to protect or

relieve the injured party. Follow them out in applying this principle, and the uniformity ceases.

'In some cases, like that of the tobacco purchase just stated, legislators and judges, from the apparent necessity of the case, or as Chief Justice Marshall words it, "from the difficulty of circumscribing the opposite doctrine within proper limits," have considered the question, not so much on the ground of justice, as of policy and convenience, and refused to lend the aid of the law to relieve against unequal contracts, leaving the protection of each man's rights, under such circumstances, to his own prudence and foresight. With regard to the moral regulation of our conduct, they expressly distinguish between the coarse and imperfect morality, which they are willing to enforce at their own tribunal, and the sterner decrees of the Interior Forum,—for so the Roman law, by a noble metaphor, has termed the decisions of an enlightened conscience.

'Upon the same grounds of necessity and commercial policy, the courts of England and of the United States have rejected the civil law doctrine of implied warranties, have held that a full price does not imply any warranty of the character of the article, and even that goods of the lowest value may be described and sold as being of the highest, without the unfortunate purchaser's having any recourse to the seller, unless he could prove some positive fraud in the transaction. In short, they have often in various shapes recognised and applied the harsh maxim of *caveat emptor*, and thrown upon the buyer the burthen of every loss, against which it was possible for him to have protected himself by caution and suspicion.

'But on the other hand, in these same courts, a complete head of commercial law has been gradually filled up almost in our own days, by a continued series of wise judicial legislation, upon principles scarcely reconcilable with these. The law of insurance requires everywhere the most perfect sincerity and frankness between the contracting parties, and the slightest suppression of a material fact is held to exonerate the opposite party.

'In the same spirit too, the courts of equity, for the last century, have enforced a very hightoned and almost scrupulous morality in a large class of cases of another sort; invalidating or refusing to enforce agreements, and setting aside or rectifying conveyances made for an inadequate consideration, or through mistake as to facts, or from ignorance of legal rights.

'Our systems of equity and of insurance law are doubtless indebted, in a great degree, to the influence of the civil code, for this infusion of a different spirit from that which reigned in the ancient common law of England.

'The Roman law, as taught by the continental jurists, insisted upon a rigid equality between the contracting parties, and a full and perfect equivalent given and received, in every sale; while it prohibited all reservation concerning any point which the party with whom we contract has an interest in knowing, touching the thing which is the subject of the bargain. This it carries in theory to an extent which few men of business in our days, not excepting the most scrupulously honest, would allow to be wise and just. In many cases, indeed, it must have been literally impossible to apply the theory to practice. It was a natural consequence of this, that both in the Roman law itself, and in those systems of jurisprudence professedly modelled upon it, these principles, after having been broadly laid down as the undoubted and universal moral rule, are restricted for legal purposes by regulations and limitations wholly arbitrary, and somewhat contradictory to the professed spirit of the law.'

After this general statement of the doubts and discrepancies which involve this branch of the law in contradictions and uncertainty, the author proceeds, in a second chapter, to trace more particularly the doctrines of the courts of common law and equity in England and the United States, on concealment, inadequacy of price, warranty, secret defects, fraud, scienter, the law of insurance, &c; and to expose the palpable incongruities between the different parts of the same system, and the difficulty of reconciling them.

The common law of England, like the language of that country, is derived from various sources widely remote from each other. The old Saxon customs were merged in the refined subtleties of the feudal system, brought in by the Norman conquest; the harshness of which was gradually mitigated by that system of equity introduced by the churchmen, the leading principles of which were borrowed from the civil and canon laws. To these was superadded, at a still later period, a body of commercial and maritime law, derived from the continental codes, and improved and perfected by the great judges, who presided in the English tribunals during the last century. Consistency and uniformity of style could hardly be looked for in an edifice, thus gradually erected, at long intervals of time, with various and discordant materials. It might be compared to a vast Gothic building, the massy foundations of which were laid under the Heptarchy, the superstructure bearing marks of the curious skill and intricacies of Norman architecture, with a

modern addition of the light, elegant, and commodious Grecian portico.

But not to pursue this metaphor, let us proceed with Mr Verplanck to examine that portion of this complicated system, which relates to the present subject. The laws of every nation are more or less impressed with the peculiar traits of its manners and character, whether these are produced by moral or physical causes. A savage race, like the Saxons, and a nation of military barbarians, like the Normans, without any science except the logic of the schools, could hardly be expected to derive their law of contracts from a very pure and enlightened source, or to found it upon the enlarged principles of civilized morality. A litigious spirit was one of the most remarkable characteristics of the Normans, and entangled their legal proceedings with intricate forms and captious subtilities.\*

The maxim of *stare decisis*, which has been adhered to more strictly in England than in any other country, has given a character of inflexibility to this artificial system of jurisprudence. Accordingly we find, that the stern and harsh rule of *caveat emptor* is perpetually invoked by the common law writers and judges, from the Year Books and the old Abridgments, down to the times of Mansfield and Ellenborough, when more liberal views of commercial law had prevailed in all those insulated provinces of the law, which were unoccupied by ancient decisions. This general current of doctrine and adjudication upon the law of bargain and sale, was deflected from its uniform course about the middle of the last century, when it was held by some of the authorities, that a *fair price*, that is, the usual market price of the commodity, implied a warranty of its soundness. But this anomaly was corrected, and the strict rule of the common law was again restored in all its original rigor, under the enlightened administration of the judges we have just mentioned. The same rule has been almost universally adopted in the courts of this country; so that, although a *warranty of title* is implied in every sale of a personal chattel, yet there must be either an express warranty, or actual fraud, to set aside

\* A French writer, quoted by Barrington, (on the Statutes,) speaking of the common law of England, says; 'Leges Angliæ plenæ sunt tricarum ambiguitatumque, et sibi contrariæ. Fuerunt siquidem excogitatae atque sancitæ a Normannis, quibus nulla gens magis litigiosa, atque in controversiis machinandis et proferendis fallacior, reperiri potest.' *Philip. Honor. Barringt. on the Stat.* p. 51.



the contract *for a defect in the thing sold*. The same system, also, refuses to recognise inadequacy of price, as a ground for rescinding the contract.

But in the courts of equity, sitting under the same roof of Westminster Hall, and frequently consisting of the same judges, a different, and, in some respects, opposite doctrine prevails. In the gradual progress of society, when commerce and civilization began to dawn, the defects of the ancient common law became manifest. These defects were particularly disclosed, in its omitting to furnish an adequate remedy for the injury sustained by the breach of contract, where the nature and spirit of the agreement, and the obvious intention of the parties, required a specific performance. For except in real actions, and in ejectment, where the formal proceedings are always *in rem*, and in the actions of detinue and replevin, where the thing sued for is specifically recovered, a court of common law uniformly gives a pecuniary compensation for civil injuries.

It frequently happened, that this remedy was insufficient to repair the injury sustained by the contracting parties, and to place them in the same situation they were in before the breach of the agreement. Hence the origin of that important branch of equity jurisdiction, which, although it was long contested by the common law courts, was at last firmly established, and matured into a regular system. But as it rested in the discretion of the chancellor to give or refuse relief, where the party applied for a specific execution of the contract, various conflicting decisions have taken place upon the question, whether it should be refused upon the mere ground of inadequacy of price? But it is well settled, that if the contract has already been carried into execution by the parties, relief will not be given by rescinding it. At law, the contract is equally valid in both cases; but what shall be the measure of damages to be given to the party, who brings his action to enforce it, is a question still involved in doubt and obscurity.

It is a received opinion among practitioners, that the vendor is bound by the common law to communicate those latent defects, which are not accessible to the vendee, and which he could not by any possible attention have discovered. But the author of the present treatise thinks, that this opinion is erroneous; that it cannot be reconciled with the analogies of the same branch of law, and in particular is inconsistent with the doctrine of *caveat emptor*; and that, if it were now subjected

to the solemn determination of the courts, it would be rejected without hesitation.

If he is right in this impression, the law, as to the suppression both of intrinsic and extrinsic circumstances, will coincide and harmonize; as upon principle it certainly ought. But, at the same time, it will rest upon a foundation very difficult to be reconciled, not merely with the dictates of an austere morality, but with common honesty.

This narrow rule, which is applied to protect the vendor from responsibility for defects in his unwarranted goods, is powerfully contrasted with the law, which compels the artist, or workman, who engages to perform any particular work, to apply the diligence, attention, and skill necessary to perform it in a workmanlike manner. Thus, for example, a different measure of justice is applied to the conduct of the person, who builds and sells a ship on his own account, and to him, who contracts with a merchant to build a ship. In the one case, he is not answerable for the defects against which he does not expressly warrant, unless there be actual fraud; in the other, he is liable for the consequences of his unskilfulness, or want of care. Here again we recognise the opposite sources, from which these contradictory rules have been derived. In the harsh features of the one we trace its comparatively barbarous origin in the feudal ages; whilst in the other we distinctly perceive the marks of civilization and refinement. The one is consistent with that pure standard of morals, which should be applied in enforcing all the duties of perfect obligation, whilst the other requires nothing more, than the observance of that good faith, which is the most powerful ligament of human society.

After explaining these principles and decisions, in a very clear and perspicuous manner, Mr Verplanck goes on to inquire how far their analogy has been preserved, in other titles of the law. With this view, he examines the history of the law of insurance, traces its origin to the learned labors of the civilians of the European continent, and pays a just tribute to the genius of Lord Mansfield, who first made his countrymen acquainted with this branch of law, and laid the foundations of that noble edifice of commercial jurisprudence, which is the just pride of England. He shows, however, that it has a very slight analogy with the more anciently settled parts of the English law of contracts. In the contract of insurance, the law demands from each party, not only strict integrity, but the most unreserved frank-

ness and candor. Every fact within the knowledge of the insured, ignorance or mistake respecting which might induce the underwriters to make an erroneous estimate of the risk or premium, is considered as a material fact, the misrepresentation or suppression of which will avoid the policy. Not only those parts of the agreement, which enter into the written contract, but those collateral representations, either written or verbal, which relate to it, fall within this comprehensive requisition.

‘Here,’ says Mr Verplanck, ‘let us pause a moment, and observe the difference of that spirit which prevails in the law of insurance, from that which regulates the common law regarding other bargains. It is impossible to assign any substantial reason for this remarkable contrast, either upon the grounds of natural equity, or upon those of policy. The practice of insurance is, indeed, of admirable utility. Antiquity classed it with the hazards of the gaming table, under the contemptuous appellation of Aleatory contracts. But its modern use, which frees trade from the hazard and the spirit of gambling, by the application of the principles of gambling itself, is one of the most beautiful inventions of commerce. Yet what is there so sacred in its character or uses, that while in so many other bargains, the courts of common law are content to enforce only that coarse and worldly-minded honesty, which refrains from palpable fraud; here alone they insist upon punctilious honor. Upon what principle of policy can it be, or of common sense, that the law should have selected the body of underwriters, men commonly among the most vigilant and best informed as to their rights and interests, as the special objects of protection from imposition; whilst in such an infinite variety of other contracts and purchases, which the necessities of life compel men of all classes to enter into, and that often blindly and ignorantly, without knowledge of the worth and quality of what they buy, the law’s unvarying answer to complaints of fraudulent concealment or unfair advantage, is “*Caveat Emptor*”; you should have been more vigilant; if you have been too confiding, or careless, you must abide the loss. It is only to your ignorance and over-confidence in your neighbour’s good faith, that the success of that fraud of which you complain, is to be imputed. But it is an old and uncontradicted legal maxim, that *vigilantibus, non dormientibus, subserviunt leges*. Therefore, that your ignorance may be punished, that your careless, unsuspecting temper may be corrected, and that you may serve as a warning to all others against those faults, the wisdom of our ancestors has decreed that your adversary, who watched while you were asleep, should enjoy unmolested the fruits of his adroitness.”

'The incongruity of these collateral branches of the law may be made more obvious by the statement of a case or two. They are imaginary indeed, but very probable. In fact they are only so far imaginary as that they bring together in one view, the facts which occur separately every day. We will suppose that a merchant of New York or Baltimore, extensively engaged in foreign trade, after one of those intervals of contrary winds and long passages which sometimes prevail, and by one of those accidents which have several times happened within our memory, receives the first and only intelligence from Liverpool. His correspondent informs him of a sudden rise of cotton and flour, and the expected short supply of both. A postscript to the same letter adds an account of the loss of a large ship on the coast of Ireland, which from various circumstances of description and date, our merchant has reason to believe, though not with perfect certainty, to be his own Charles John. He loses no time to make the best use of his superior intelligence; he sends off his pilot boats to the south to buy up the planter's cotton; and his agents to contract for flour and grain, at the present rates, not only with the regular flour dealer of the city, who may be on his guard, but with the millers and farmers of the interior. At the same time he effects an insurance on his good ship the Charles John, *lost or not lost*, without giving a hint of the contents of his letter. Now in this latter case, he bargains with the intelligent and skilful officers of an insurance company, men living in the very centre of mercantile and marine news, and with the best information within their reach. In the former case he deals with those, to whom the knowledge upon which he acts, must be wholly inaccessible, and perhaps the very possibility of such intelligence beyond the suspicion of the most vigilant among them. Yet such is our law, that the underwriter, if these facts can be established, may confidently stand upon his defence and refuse to settle the loss; while the planter or the farmer has no remedy.'

After dwelling for some time upon the remarkable incongruity between the law of insurance and that of sale, the author again reverts to the principles upon which equity enforces, or refuses to enforce, the specific execution of agreements, with the view of ascertaining how far these rules accord and harmonize with other parts of the same system. For this purpose, he states it to be well settled, that the concealment of material facts may amount to a degree of *mala fides*, which will exclude the guilty party from all claim to the aid of a court of equity. So in another class of cases, equity has interposed to set

aside conveyances made under a total ignorance of the party's rights, as in the case of an imperfectly executed will, or of a mistake as to the value of a distributive share. How far it will relieve against a mere mistake of law, where all the facts are well understood by the parties, is a point still involved in great doubt. Another head of equity bears a remoter analogy to the subject under consideration, and comprehends all those cases where the court looks with a jealous eye upon contracts entered into between parties, standing in certain intimate and confidential relations to each other, such as attorney and client, guardian and ward, trustee and *cestui que trust*, agent and principal, &c. It is a general rule, that mere inadequacy of price will not afford a ground for rescinding an executed agreement; yet a distinction is made in such cases where the inequality is so strong, gross, and manifest, as to furnish evidence of fraud. But, as the author justly observes, there is great looseness and want of precision in the manner of laying down this exception to the general rule, and great difficulty in its practical application. He applauds the tone of strict and pure morality, and the manly spirit of honor and frankness, which mark the decisions of equity under this head, but is at a loss how to reconcile them with the decisions of the same forum in other cases, which would seem to demand the application of the same measure of justice.

In his third chapter, the author considers the doctrines of the civil law, and of the modern systems founded on it, especially the French code, respecting warranty, concealment, inadequacy of price; and the speculative opinions of civilians, or writers on natural law, relating to the same subject.

‘In the civil law,’ says he, ‘and in its derivative systems, it is laid down as a universal and fundamental position, that the contract of sale depends wholly upon natural law; not only owing its origin to that law, but being entirely governed by the rules deduced from it.\* Upon this solid foundation, has been raised a consistent and beautiful system of law in relation to the losses sustained from ignorance of circumstances or facts *intrinsic* to the subject of sale; such, for instance, as secret defects lessening the worth of the thing sold as an object of commerce, or rendering it useless, for the purpose for which it was bought.

\* ‘Ce contrat est entièrement du droit naturel; car non seulement il doit à ce droit son origine, mais il se gouverne par les seules règles tirées de ce droit. *Pothier, Contrat de Vente.*’

‘It is remarkable, that, on comparison, this will be found to be, in every part, nearly the reverse of the law of England, on the same head.’

The civilians hold the vendor to warrant, by implication, against all the defects of the thing sold, which are of a nature to render it unfit for its ordinary use, or so lessen that usefulness, that the buyer would not have purchased, or would not have purchased at so high a price, if he had known them. The general principle of implied warranty has been universally adopted in all the countries of Europe, which have founded their municipal codes upon the Roman law. But it has been modified in practice, as to a reduction of price, corresponding to the disappointment in the expected value of the commodity. This is quaintly, but not inaptly expressed in the Scotch law. ‘The insufficiency of the goods sold, if it be such as would have hindered the purchaser from buying, had he known it, *and if he quarrels it recently*, founds him in an action (*actio redhibitoria*) for annulling the contract. If the defect was not essential, he was, by the Roman law, entitled to a proportional abatement of the price, by the action *quantum minoris*. But as our practice does not allow sales to be reduced, on account of the disproportion of the price to the value of the subject, it is probable, that it would also reject the action *quantum minoris*.’

So far the Roman law is founded in good sense, and is capable of application to the affairs of a highly civilized and commercial society. But when, in imitation of those lofty and stern principles, which it borrowed from the Portico, from those masters of philosophy, who, in the language of Tacitus, *sola bona quæ honesta, mala tantum quæ turpia; potentiam, nobilitatem, cæteraque extra animum neque bonis neque malis adnumerant*, they required both from buyer and seller, the full and frank communication of every *extrinsic* circumstance, which might influence the conduct of either; then their doctrine became too sublimated to be indiscriminately adopted in modern practice. But though, in general, this abstract refinement of morals, which defeats its own purpose, by attempting more than the nature of man and of human affairs will enable it to accomplish, has been rejected by the legal institutions of modern Europe, yet a curious fragment of this system is still retained in the law of most of those countries, which have derived their jurisprudence from the ‘awful sway’ of Rome. We allude to the singular anomaly, which gives the vendor a remedy in case of gross inadequacy

of price, or as the civilians express it, *enormous lesion*. This rule is confined, in its application, to the sale of real property; it being obviously quite impossible to adapt it to commercial transactions and the ordinary transfer of chattels. It also denies to the buyer that equity, which it professes to extend to the seller, by refusing to the former any relief on account of his having paid an excessive price. It made a part of the ante-revolutionary jurisprudence of France, and has been incorporated into the new civil code of that country, notwithstanding the opposition of some of her most distinguished jurists, as Mr Verplanck thinks, on account of temporary, political motives, connected with the policy of giving stability to landed titles and family distinctions, which had been so much shaken by the revolution. It is recognised, we believe, in the civil code of Louisiana; and something like a reference to it may be obviously traced in that part of the Equity system in England, which considers gross inadequacy of price as evidence of fraud.

It is not the least evidence of the wide spread influence of the Roman law in modern times, that all the writers upon the law of nature and nations should have adopted this principle of absolute equality in contracts, as binding in *foro conscientiæ*. But the author of the work before us justly contests its application to this extent, even as a rule of moral obligation; and, in a train of admirable reasoning, shows, in the most convincing manner, that if practically followed, it would deprive every man of the honest fruits of his superior knowledge and skill, of his diligence and labor, and of all those advantages, which a beneficent Providence has enabled him to acquire, and authorized him to enjoy; and, in this manner, would present an insurmountable barrier to the improvement of the world, by taking away the ordinary motives of individual exertion. This he accomplishes by proving, that in ordinary commercial bargains, the exchanging of precisely equivalent values is not even aimed at, or desired, by the parties; and by analyzing the various circumstances, which go to fix the price of commodities, such as constant competition, monopoly founded on public policy, or the just use of private property, soil and seasons, peace and war, and all the various and fluctuating phases of human affairs, as they are influenced by physical, moral, and political circumstances.

After thus seeking in vain, in the two most memorable systems of municipal jurisprudence, which have governed the world, as well as in the celebrated writers on natural and public law, for a

satisfactory rule of contracts, so far as respects inequality of price, or inequality of knowledge, Mr Verplanck, in his fourth chapter, endeavors to deduce such a rule, not merely from the abstractions of metaphysical morality, but from the sound principles of that true science, political economy, which, he contends, influence the motives, and determine the conduct of every buyer and seller, although the parties may not always be conscious of the precise nature of their operation on their own minds.

He begins by inquiring 'What is PRICE? What are the elements, which form it? What, abstracted from all reference to right and wrong, are the common considerations which enter into the minds of the buyer and seller in making a bargain?' And concludes, that as to things which are *unique*, or very peculiar in their kind, of which there is no regular supply from the soil, or from human labor, and of course no regular market value, price depends wholly on the opinions and the means of the buyer and seller, and consequently there can be no such thing as inadequacy of price. The same rule, also, applies to the buying and selling of *speculation*, to purchases of lands peculiarly situated, or goods bought, not with reference to present use or profit, but with relation to a future and anticipated state of the market. But in the more common case of the buying and selling of articles of domestic use or consumption, or in the wholesale operations of trade in the great staple productions of agriculture or manufactures, the new element of *market price* enters into the calculations, both of buyer and seller, which are no longer controlled by their separate wishes, opinions, and judgments alone, but also by a set of facts common to both, and upon which they mutually reason.

In this class of cases, inadequacy of price may be a ground for setting aside a contract of sale, not from the inadequacy of the price, as compared with the intrinsic value of the article, but as compared with the ordinary market price of the time and place of making the contract. A gross deviation from this standard may imply fraud, or error, in the substance of the contract. But what is it that constitutes fraud, or error, so as to affect a contract in natural equity and morality? The answer to this question is, that no man can ever honestly profit by his superior knowledge, wherever there is a confidence expressly or impliedly reposed in him, that he will take no advantage of it, and wherever this confidence is the efficient cause of his being able to take such advantage. Whatever constitutes the facts and



reasonings of a bargain *peculiar to each individual*, such as skill, and judgment, and personal necessities, can never be expected to be communicated; but with regard to the facts which are, or should be, common to both parties, and which immediately and materially affect price, in the estimate of those who buy and sell, the contract is entered into upon the supposition, that no advantage will be taken by one party, of his superiority of knowledge over the other.

In his fifth chapter, the author continues the same subject, and recapitulates the rules and principles established in the preceding chapter, applying them to all contracts of mutual benefit, contracts of hazard, cases of mutual error, and implied warranty of sort and quality; and considers the different effects of error and of intentional concealment. The next contains a long digression on the question, 'When, and how far, may positive law, in administering justice between man and man, differ from the strict honesty and good faith required by conscience?' He concludes, that it can never be either right or expedient for civil tribunals to establish rules of justice, varying from those pronounced by the tribunal of conscience, unless when compelled by absolute necessity, or manifest public utility; and in the seventh chapter, he endeavors to show, that the strict rules of honesty, regarding inequality of knowledge, or of price, &c. ought to be the governing principles of the whole law of contracts. This he infers from their partial adoption in the law of insurance, in the doctrines of courts of equity, and in the Roman civil law. And he insists, that the only exception to the generality of this position is to be found in the acknowledged fact, that human tribunals must be guided in their application of these doctrines of legal ethics, as well as restricted in the practical remedies they furnish, by those regulations which public policy has established, as to prescription or limitation, the civil character and condition of parties, uniformity of decision, commercial usage, and positive rules of evidence.

Wherever these principles of morality have been adopted, in the practical administration of justice, they have commanded the unqualified approbation of men of common sense, and those versed in the business of human life, as well as of those master minds, who have looked at law as a science, founded upon principle and governed by reason. Such is the case with the whole body of the law of insurance, with all those heads of equity jurisdiction, arising from the peculiar relation of confidence and

trust between certain parties, which we have before adverted to. So, too, the common law courts have remarkably deviated from the general analogy of their own rules, and obeyed the dictates of the purest morality, in that class of cases, which relates to the payment of forged bank notes, or negotiable paper, where both the parties are equally ignorant of the forgery.

‘If, then,’ says Mr Verplanck, ‘these principles are just in themselves; if they are congruous to the common notions of men; if they are capable of being practically applied; if, in the affairs of the greatest magnitude and interest, they have been found not only expedient to be used as legal rules, but even absolutely necessary, why should they not be universal? why should that part of our law, which enters into and affects every man’s daily concerns, be disgraced by contradictions, which, if they were nothing more than deviations from the rest of the system, would be useless and perplexing? How much worse, if these deviations afford shelter for dishonesty, if they are repugnant to the usages of trade, and the common reasonings of civilized men?’ p. 195.

The eighth chapter contains a view of the practical result of those doctrines of law and equity, which arbitrarily vary from the rules of natural justice, their confusion and contradiction, and the bad effects they have produced on the public morals. Allusion is made to the liberal spirit of legal improvement, which is now abroad in the world, and a strong desire is expressed, that it should embrace the law of sales. In the opinion of the author, no more practical or beneficial innovation could be made in our civil jurisprudence, than to introduce the rules of the Roman law, as to implied warranty of quality and kind. This he would have done, not piecemeal, or in insulated decisions, which only create confusion, but thoroughly and upon principle.

The principles of the ancient civil law, and the modern European codes founded upon it, might be embodied in the language of our own system of jurisprudence, by merely expanding into general provisions, what has already been decided in numerous particular cases. With this view, the author recapitulates, in his eighth and last chapter, the principles and rules, which his arguments tend to establish. These, we presume, he did not mean to offer, as the project for the text of a written code on the subject, for it would then be deficient in that precision, which is so difficult, and at the same time so necessary to be attained in every system of written law; but only as a

summary of his own principles and views. Considered in this light, we regard this collection of axioms and corollaries as of great value, exhibiting the ingenious theory of the author in a condensed form, and illustrating his reasonings in support of it. We regret that we have not room to insert this summary, which would probably convey to our readers a clearer notion of the author's views, than will be gathered from the imperfect analysis we have attempted of a work, which we regard as one of the most original and interesting publications upon the theory of jurisprudence, that has recently appeared.

We heartily concur in the wish, expressed by Mr Verplanck, that it may excite public attention to the improvement of this title of the law of contracts, and we will add our desire, that he may be induced, by the success of the present attempt, to turn his attention to other projects of reform in legislation. An attentive examination of several titles of positive law, such as the statute of frauds and limitations, for example, would tend to expose the defects, uncertainty, and contradictions of the system of judicial interpretation, amounting in effect to legislation, which has perverted the original policy of these wise laws, and calls for a revision of their text, with the view of clearing up the obscurities, which originally adhered to it, or have been interpolated by the excessive latitude of construction, which has been indulged with respect to them. At the same time, we would not be understood as meaning to deny, that many excellent rules are contained in the body of judicial decisions upon these statutes, which would furnish valuable materials for a new builder to construct an edifice more harmonious in its parts, and better adapted to promote the purposes, for which it was designed.

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ART. II.—1. *De Pentateuchi Samaritani Origine, Indole, et Auctoritate, Commentatio Philologico-critica.* Scripsit GULIELMUS GESENIUS, Theologiæ Doctor, et in Universitate Literarum Fridericianâ Professor Ordinarius. Halæ, impensis Librariæ Rengerianæ, 1815.

2. *Jesu Christi Natalitia piè celebranda, Academia Fridericianæ Halensis et Vitebergensis consociatæ Civibus indicunt Prorektor et Senatus.* Inest GULIEL. GESENI, Theol. D. et P. P. O. *de Samaritarum Theologiâ ex Fontibus ineditis Commentatio.* Halæ, in Librariâ Rengerianâ.

3. *Anecdota Orientalia*, edidit et illustravit GULIEL. GESENIUS, Philosophiæ et Theologiæ Doctor, hujusque in Academiâ Fridericianâ Halensi Professor publicus ordinarius, Societatum Asiaticæ Parisiensis et Philosophicæ Cantabrigiæ Socius. *Fasciculus primus, Carmina Samaritana complectens.* Lipsiæ, 1824. Impensis Typisque Fr. Chr. Guil. Vogelii.

[Also entitled] *Carmina Samaritana e Codicibus Londinensibus et Gothanis*, edidit et Interpretatione Latinâ cum Commentario illustravit GULIEL. GESENIUS &c. *Cum Tabulâ lapidi inscriptâ.* Lipsiæ, 1824.

THE existence of the Pentateuch, or the five books of Moses, among the Samaritans, written in the peculiar alphabetic character which they employed, and which differed much from the Hebrew square character, was known in very ancient times to such of the Fathers, as were acquainted with the Hebrew language. Origen, in commenting upon Numbers xiii. 1, says, *καὶ τούτων μνημονεύει Μωϋσῆς ἐν τοῖς πρώτοις τοῦ Δευτερονομίου, ἃ καὶ αὐτὰ ἐκ τοῦ τῶν Σαμαρειτῶν Ἑβραϊκοῦ μετεβάλομεν*, and these things Moses makes mention of in the first part of Deuteronomy, which we have also transferred from the Hebrew copy of the Samaritans. Again, on Numbers xxi. 13, he says, *καὶ τούτων μὲνηται Μωϋσῆς ἐν Δευτερονομίῳ, ἃ ἐν μόνοις τῶν Σαμαρειτῶν εὑρομεν*, these things Moses mentions in the book of Deuteronomy, which we found only in the Samaritan copy. Jerome, in his prologue to the book of Kings, says, *Samaritani etiam Pentateuchum Mosis totidem literis scriptitant, figuris tantum et apicibus discrepantes.* By *totidem literis*, he means as many letters as the Hebrews and Chaldeans used, that is, twentytwo; although, the forms of the

Samaritan letters differed from those which the Jews employed. Again, in his *Questiones in Genesin*, on chap. iv. 8, he says, *Quam ob causam, Samaritanorum Hebræa volumina relegens, inveni &c.*

These, with one or two more references of a similar nature in Origen and Jerome, constitute the evidence which we have that the Samaritan Pentateuch was known, in very ancient times, to such of the Fathers as devoted themselves to the critical study of the Hebrew Scriptures. From the time of Jerome down to the first quarter of the seventeenth century, no traces appear, in the history of criticism and sacred literature, of any knowledge among Christians, whether the Samaritan copy of the law of Moses was still in existence. In the year 1616, Petrus à Valle bought of the Samaritans, at Damascus, a complete copy; which was sent, in 1623, by A. H. de Sancy to the library of the Oratory at Paris. J. Morin briefly described this copy, not long afterwards, in the preface to his edition of the Septuagint, A. D. 1628. Soon after this he published his *Exercitationes Ecclesiasticæ in utrumque Samaritanorum Pentateuchum*; in which he extols very highly the text of the Samaritan Pentateuch, preferring it above the common Hebrew text. About the same time, from the copy purchased by à Valle, Morin printed the Samaritan text of the Paris Polyglott, and from this Walton printed the Samaritan text in the London Polyglott, with very few corrections.

In the mean time, between the years 1620 and 1630, archbishop Usher, so distinguished for his zeal in the cause of sacred literature, and for the knowledge of it which he himself acquired, had succeeded by persevering efforts in obtaining six additional copies of the Samaritan Pentateuch from the East, some of which were complete, and others incomplete. Five of these are still in England, deposited in different libraries; and one, which the archbishop presented to Ludovicus de Dieu, appears to have been lost.

In 1621, another copy was sent to Italy, which is now in the Ambrosian library at Milan. About the same time, Peiresc procured three copies of the Samaritan Pentateuch; two of which are in the royal library at Paris, and one in that of Barberini at Rome.

To these copies others have since been added; so that Kennicott was able to extend the comparison of Samaritan manuscripts, for his critical collection of various readings, to the number of *sixteen*. Most of them, however, were more or less defective, in regard to parts of the Pentateuch.

The external appearance of these manuscripts, in some respects, agrees with that of the synagogue rolls of the Hebrews; but in many others it differs. All the Samaritan copies in Europe are in the form of books, either folio, quarto, or still smaller; although the Samaritans in their synagogues make use of rolls, as the Jews also do. The letters in the Samaritan copies are simple, exhibiting nothing like the *literæ majusculæ, minusculæ, inversæ, suspensæ* &c. of the Hebrews. They are entirely destitute of vowel points, accents, or diacritical signs, such as are found in Hebrew and Chaldee. Each word is separated from the one which follows it, by a point placed between them; parts of sentences are distinguished by two points; and periods and paragraphs by short lines, or lines and points. The manuscripts differ, however, in regard to some things of this nature. Words of doubtful construction are sometimes marked by a small line over one of the letters. The margin is empty, unless, as is sometimes the case, the Samaritan or Arabic version is placed by the side of the original text. The whole Pentateuch, like the Jewish copy, is divided into paragraphs, which they call קִטְּוִן, *Katsin*. But while the Jews make only fiftytwo or fiftyfour divisions (one to be read each Sabbath in the year), the Samaritans make nine hundred and sixtysix.

The age of some of the Samaritan copies is determined by the date, which accompanies the name of the copyist; in others it is not. Kennicott has endeavored to ascertain the date of all the Samaritan manuscripts, which he compared. But he resorts to conjecture in order to effect this; conjecture supported by no well grounded rules of judging. The Codex Oratorii, used by Morin, he supposes to have been copied in the eleventh century; while all the others, except one, are conceded to be of more recent origin. One he assigns to the eighth century. On what uncertain grounds the reasoning of Kennicott and De Rossi about the age of Hebrew and Samaritan Manuscripts rests, need not be told to any one acquainted with the present state of Hebrew literature.

The materials, on which the Samaritan manuscripts are written, are either parchment or silk paper. Ordinary paper has been used, in recent times, only to supply some of the defects in them.

The Christian world, before Morin published his famous *Exercitationes Ecclesiasticæ in utrumque Samaritanorum Penta-*

*teuchum*, (1631,) had been accustomed to resort only to the Jewish Hebrew Scriptures, as exhibiting the well authenticated and established text of the Mosaic law. From this remark may be excepted the few, who attached a high value to the Septuagint version, and preferred many of its readings to those, which are found in the Jewish Scriptures. But the publication of Morin soon excited a controversy, which, even at the present hour, has not wholly subsided. As the Samaritan copy of the law, in a multitude of places, agreed with the version of the Seventy, Morin maintained that the authority of the Samaritan, particularly when supported by the Septuagint, was paramount to that of the Jewish text. He labored, moreover, to show, that in a multitude of passages, which in that text as it now stands are obscure and difficult, or unharmonious, the Samaritan offers the better reading; that the Jews have corrupted their Scriptures by negligence, or ignorance, or superstition; and that the safe and only way of purifying them is, to correct them from the Samaritan in connexion with the Septuagint.

The signal was now given for the great contest, which ensued. Cappell, in his *Critica Sacra*, followed in the steps of Morin; but De Muis, Hottinger, Stephen Morin, Buxtorf, Fuller, Leusden, A. Pfeiffer, each in separate works published within the seventeenth century, attacked the positions of Morin and Cappell. Their principal aim was to overthrow his positions, rather than to examine the subject before them in a critical and thorough manner.

Much less like disputants, and more like impartial critics, did Father Simon, Walton in his *Prolegomena*, and Le Clerc conduct themselves, relative to the question about the value and authority of the Samaritan Pentateuch. In particular, Simon has thrown out suggestions, which imply for substance the same opinions on many controverted points, that the latest and best critics, after all the discussion which has taken place, have adopted.

But during the latter part of the last century, when the fierceness of controversy seemed to have abated, Houbigant, treading in the steps of J. Morin, renewed it, in the *Prolegomena* to his Bible. With him other controvertists united. Kennicott, in various works, A. S. Aquilino, Lobstein, and Alexander Geddes, have all contended for the equal or superior authority of the Samaritan Codex. Houbigant was answered, in a masterly way, by S. Ravius, in his *Exercitationes Philologicae*,

1761. Recently, Michaelis, Eichhorn, Bertholdt, Bauer, and Jahn, have discussed the subject in question with a good degree of moderation and acuteness. But they have all inclined to attach considerable value to many of the Samaritan readings; although most of them consider the Samaritan Pentateuch, on the whole, as of inferior authority, compared with the Hebrew.

Thus the matter stood, when Gesenius entered upon the discussion of it in the treatise which is first named at the head of this article. The great extent of critical and philological knowledge which he had acquired, fitted him in a peculiar manner for the difficult task which he undertook; for difficult it would seem to be, to settle a question that had been so long disputed by the master critics, and still not brought to a termination. What those who best knew the talents of this eminent writer would naturally expect, has, for the most part, been accomplished. He has settled the question, (it would seem forever settled it,) about the authority of the Samaritan Pentateuch compared with that of the Hebrew; or rather, he has shown, as we shall see by and by, the nature of the various readings exhibited by the Samaritan Pentateuch to be such, that we can place no critical reliance at all upon them. They are all, or nearly all, most evidently the effect of design, or of want of grammatical, exegetical, or critical knowledge; or of studious conformity to the Samaritan dialect; or of effort to remove supposed obscurities, or to restore harmony to passages apparently discrepant. On this part of the subject there can be little or no doubt left, hereafter, in the mind of any sober critic.

Gesenius has divided the various readings, which the Samaritan Pentateuch exhibits, into *eight* different classes, for the sake of more orderly and exact description. The first class consists of such as exhibit *corrections merely of a grammatical nature*. For example, in orthography the *matres lectionis* are supplied; in respect to pronouns, the usual forms are substituted for the unusual ones; the full forms of verbs are substituted for the apocopated forms; the paragogic letters affixed to nouns and participles are omitted, so as to reduce them to usual forms; words of common gender are corrected so as to make the form either masculine or feminine, where the word admits of it, (for example, נער is always written נערה when it is feminine); and the infinitive absolute is often reduced to the form of a finite verb.

The second class of various readings consists of *glosses received into the text*. For the most part these exhibit the true



sense of the original Hebrew; but they explain the more difficult words by such as seemed to be plainer or more intelligible.

The third class consists of those, in which there is a *substitution of plain modes of expression, in the room of those, which seemed difficult or obscure in the Hebrew text.* The fourth, of those in which *the Samaritan copy is corrected from parallel passages, or apparent defects are supplied from them.* The fifth is made up of *additions or repetitions respecting things said and done*; which are drawn from the preceding context, and again recorded so as to make the readings in question. The sixth, of *such corrections as were made to remove what was offensive in respect to sentiment*, that is, which conveyed views, or narrated facts, that were deemed improbable by the correctors. For an example, we refer to the famous genealogies in Genesis v. and xi. in which the Samaritan copy has made many alterations, evidently *designed*. In the antediluvian genealogy, the corrections are so made that no one is exhibited as having begotten his first son, after he is one hundred and fifty years old. Thus the Hebrew text represents Jared as having begotten a son at the age of one hundred and sixtytwo years; but the Samaritan takes one hundred years from this. In the postdiluvian genealogy, it follows a different principle of correction. No one is allowed to have begotten a son, until after he was fifty years of age; so that one hundred years are added to all those who are represented by the Hebrew text as having had issue under that age, with the exception of Nahor, to whom fifty years are added. The effects of *design* are most visible in all these corrections; and equally so in the corresponding Septuagint genealogies, we may add, which, while they differ from both the Hebrew and Samaritan, bear the marks of *designed* alteration most evidently impressed upon them. Other examples of a like nature may be found in the Samaritan copy, in Exodus xii. 40. Genesis ii. 2. Genesis xxix. 3, 8. Exodus xxiv. 10, 11.

The seventh class of various readings consists of those, in which *the pure Hebrew idiom is exchanged for that of the Samaritan.* This has respect to many cases of orthography; to the forms of pronouns; to some of the forms of verbs, for example, the second person feminine of the præter tense, which in the Samaritan has a *Yodh* paragogic; and to the forms of nouns etymologically considered.

The eighth class consists of those passages, *where alterations have been made so as to produce conformity to the Samaritan*

*theology, worship, or mode of interpretation.* For example, where the Hebrew has used a plural verb with the noun אֱלֹהִים *Elohim*, the Samaritan has substituted a verb in the singular number (Genesis xx. 13. xxxi. 53. xxxv. 7. Exodus xxii. 9.) lest the unity of God should seem to be infringed upon. So in many passages, where anthropomorphism or anthropopathy is resorted to by the sacred writer, in relation to God, the Samaritan has substituted different expressions. In Genesis xlix. 7, where Jacob, when about to die, says of Simeon and Levi, *Cursed be their anger* (אָרוּר אַפָּם), the Samaritan has altered it to *lovely is their anger* (אָדִיר אַפָּם). In the blessing of Moses, Deuteronomy xxxiii. 12, Benjamin is styled יְהוָה יְדִיר *beloved of Jehovah*, which the Samaritan has altered to יְדִי יְהוָה *the hand, the hand of Jehovah shall dwell* &c. In a similar manner, euphemisms are substituted, in various parts of the Pentateuch, for expressions which appeared to the Samaritan critics unseemly or immodest. Finally, in the famous passage in Deuteronomy xxvii. 4, the Samaritan has changed *Ebal* into *Gerizim*, in order to give sanction to the temple which they built, not long after the time of Nehemiah, upon the latter mountain. Kennicott has warmly contested the Hebrew reading here, and defended the Samaritan; but the question was settled against his opinion by Verschuir, in his *Dissertt. Exeget. Philologica*, published in 1773, to the universal satisfaction, we believe, of all biblical critics.

Some of the classes of various readings here described are hardly intelligible, perhaps, to the cursory and general reader; nor will the difference between some of them, (for example, between the second and third class,) be plain to any reader, who does not consult the work of Gesenius, and compare the examples proposed. Under all the classes of various readings, he has produced a multitude of examples, almost to satiety, so as to remove all rational doubt as to the positions which he advances. Never before did the Samaritan Pentateuch undergo such a thorough critical examination; and never, perhaps, in a case that was difficult and had been long contested, was truth made more evident and convincing. Only four various readings in the whole Samaritan Pentateuch, are considered by Gesenius as preferable perhaps to the Hebrew text. These are the well known passages in Genesis iv. 6. xxii. 13. xlix. 14. and xiv. 14; all of little importance, and all, we are well persuaded, of

such a nature, that the probability is quite in favour of the Hebrew text. But this is not the proper place for a discussion of such a subject, and we forbear to pursue it.

The result of Gesenius' labors has been, so far as we know, to ruin the credit of the Samaritan Pentateuch, as an *authentic* source of correcting the Hebrew records; a result of no small importance, considering the thousands of places in which it differs from the Hebrew, and the excessive value which has been set upon it by critics of great note, in different parts of Europe. The biblical student will henceforth know how little dependence he can place on the Samaritan Codex, to help him out in any difficulties of lower criticism; and he will sincerely rejoice too, that the superior purity of the Jewish Pentateuch over that of rival records differing so often from it, is so solidly established.

Of the sixtyfour quarto pages, which the dissertation of Gesenius occupies, about forty are employed in exhibiting the classes of various readings which have been described. This is the most important and most satisfactory part of the work. About the merits of this, there can hardly be but one opinion, among all who are conversant with sacred criticism. According to the arrangement of the author, this constitutes the second part of his dissertation.

In the first part, he has discussed the difficult questions, which respect the *origin* and *antiquity* of the Samaritan Pentateuch. Here, also, we discover everywhere the hand of a master in criticism; but we are not prepared, by any means, to accede to all the positions which he has taken. To examine them, however, and to state our reasons for dissent, is by far the most difficult part of the task, which we have undertaken. But as the subject is intimately connected with some of the most interesting topics, which have lately been agitated in the critical world, we hope that at least one class of our readers will not be displeased to have it laid before them.

It is the opinion of Gesenius, that the Pentateuch did not receive its *present* form, that is, it was not regularly digested and arranged, until the time of the Babylonish captivity. Of course, the Samaritan Pentateuch must have originated still later. He regards that time as the most probable, from which to date the origin of the Samaritan Codex, when Manasseh, the son in law of Sanballat the Samaritan governor, and brother of the high priest at Jerusalem, went over to the Sama-

ritans, built a temple on mount Gerizim, by the aid of his father in law, and instituted the Mosaic worship there. Many of the peculiar readings of the Samaritan Codex, he thinks, can be accounted for by such a supposition; and at all events, we must suppose that Manasseh carried a copy of the Jewish law along with him.

It must be quite apparent, indeed, that if the Jewish Pentateuch did not receive its present form until the Babylonish exile, the Samaritan Codex must have originated still later; and no time of its origin is more probable, on this ground, than that which Gesenius has assigned to it. But that the Jewish Pentateuch had a much earlier date than is here assigned to it, is what we fully believe. To state all the reasons of this, and to examine all the objections made against this opinion by recent critics, would require a volume, instead of the scanty limits of a review. We shall merely advert therefore, in the first place, to some of the leading reasons why we believe that the Hebrew Pentateuch, with the exception of a very few isolated passages, came from the hand of Moses; next, examine briefly the reasons which are alleged against this; and then endeavor to show why a more ancient date is to be assigned to the Samaritan Pentateuch, than Gesenius gives it.

That the Pentateuch, as to all its essential parts, came from the hand of Moses, appears to be probable from the following considerations.

1. The Pentateuch itself exhibits direct internal evidence, that it was written by Moses.

Thus, in Exodus xvii. 14, after an account of the contest between Israel and Amalek, it is added, *And the Lord said unto Moses, Write this for a memorial in the book,* (בְּסֵפֶר with the article, not בְּסֵפֶר), that is, as the meaning seems obviously to be, in the book already begun and in which other things were recorded, in the well known book. So in Exodus xxiv. 4, 7, after the law had been given at Mount Sinai, it is said, that *Moses wrote all the words of the Lord,* and then, that *he took the book of the covenant, and read in the audience of the people.* Afterwards, when many more laws had been added, *the Lord said unto Moses, Write thou these words,* Exodus xxxiv. 27. If it be said, All this has respect only to laws or statutes; the answer is easy. In Numbers xxxiii. 1, 2, it is said, that *Moses wrote the goings out [of the children of Israel] according to their journeys, by the commandment of the Lord.* This, it will be recollected, was

at the close of their wanderings through the desert, after they had come to the plains of Moab, and were consequently on the very borders of the promised land. The close of the book of Numbers declares, that *these are the commandments and the judgments which the Lord commanded by the hand of Moses*. To what can *these* refer, but to the written contents of the preceding book? Finally, in Deuteronomy, which exhibits a repetition of the most important laws for the Jewish nation, *this law, the words of this law, and the book of this law*, are frequently adverted to. So in Deuteronomy xvii. 18, the future king of the Israelites is enjoined to write out for himself a *copy of this law*, that he may learn *to keep all the words of this law* (v. 19); in chapter xxx. 10, mention is made of the *statutes written in this book of the law*; in xxxi. 11, Moses commands that *this law shall be read before all Israel in their hearing*, that (v. 12) *they may observe to do all the words of this law*. Particularly worthy of note are the two following passages; Deuteronomy xxviii. 61, where *every plague not written in this book* is threatened, in case the Israelites are disobedient; and Deuteronomy xxxi. 9—13, 19, 22, compared with xxxi. 24—26, from which it appears not only that Moses wrote some things in the preceding book, but that he wrote until *the whole was completed or finished*, and then deposited the book in the side of the ark of the covenant.

It were easy to add other testimony of the like nature, from the Pentateuch itself; but it is superfluous. The fact, that the Pentateuch itself, *as a whole*, claims to be written by Moses, cannot reasonably be doubted, until it can be shown that it existed, in former days, in numerous distinct volumes, so that a passage in one, which has a reference to its composition by Moses, can be reasonably supposed to relate to nothing farther than the single parcel or small roll, in which such passage is found. But this has never been shown, and never can be. All the evidence before us is of a different nature, inasmuch as it all goes to establish the belief, that the Pentateuch, from time immemorial, has been regarded only as *one* volume.

2. The remaining books of Scripture ascribe the Pentateuch or Jewish law to Moses as its author.

The book of Joshua, although reduced to its *present* form in later times, was undoubtedly composed, in respect to its essential parts, at a very early period. In this book, frequent references may be found to the *book of the law*. For example, Joshua is

commanded to do according to all which the law of Moses commanded ; and it is enjoined upon him that *this book of the law should not depart out of his mouth*, Joshua i. 7, 8. Joshua, in taking leave of the people of Israel, exhorts them to do all which is written in the book of the law of Moses, xxiii. 6 ; and he recites, on this occasion, many things contained in it. When the same distinguished leader had taken his final farewell of the tribes, he wrote the words of his address in the book of the law of God, xxiv. 26. In like manner, it is said, Joshua viii. 30 seq. that Joshua built an altar on mount Ebal, as it is written in the book of the law of Moses, and that he read all the words of the law, the blessings and the cursings, according to all that is written in the book of the law. These references, in a book the substance of which is confessedly of very early date, are of great importance in the investigation of the question, whether the Pentateuch is to be assigned to the time of Moses, or set down, as Gesenius has set it, to the time of the Babylonish exile.

In other historical books, to which the finishing hand was not put until the time of the captivity, but the principal parts of which existed in records of a much older date, the law of Moses is referred to in a similar way. David, on his dying bed, exhorts Solomon, in all things to conduct himself agreeably to what is written in the law of Moses, 1 Kings ii. 3. In 2 Kings xiv. 1—6, it is related that Amaziah slew not the children of those, who had murdered his father ; and that he spared them according to that which is written in the book of the law of Moses ; a passage of which is then quoted, from Deuteronomy xxxiv. 16. In 2 Kings xxii. 8, Hilkiyah, the high priest, is represented as having found in the temple a book, which is there called *the book of the law* ; in xxiii. 2, *the book of the covenant* ; and in 2 Chronicles xxxiv. 14, *a book of the law of the Lord, given by Moses*. In 2 Kings xxiii. 21—23, Josiah is said to have given orders that the passover should be kept, as it is written in the book of the covenant.

In Ezra and Nehemiah frequent references are made to the same book. But as these books were written after the return of the Jews from the Babylonish exile, we will not insist upon their testimony. Gesenius would admit that the Pentateuch was reduced to writing about the commencement of the exile ; and therefore he might except to any citations from books written after this period and appealing to it, as proof that the Penta-

teuch was early committed to writing. But there is one circumstance, in the frequent appeals made to the law of Moses in the books of Ezra and Nehemiah, which is not easily explained on the ground which he takes. This is, that the appeal is everywhere made to the book of the law, as a book which came from the hand of Moses; which was sanctioned by his authority; which was unhesitatingly and universally admitted to be such by the Jews; and which no one therefore would venture to contradict or call in question. How could the whole Jewish nation be made to believe this, if the Pentateuch had been forged only some half a century before? It cannot be contended that there were not many enlightened men among the Jews, at the time of their return from the captivity. To mention Zorobabel, Ezra, Nehemiah, Zechariah, Haggai, and Malachi, is sufficient to prove this; if we say nothing of many others, who might be added to these. Were not these men, too, *honest* as well as *enlightened*? And if so, how can we suppose them to have palmed the Pentateuch upon the Jewish nation as the work of Moses, when they must have known it not to be so, if it had been composed near, or during, the time of the exile?

In like manner, we might appeal to all the earlier prophets, in confirmation of the idea, that the Pentateuch was, in their day, substantially what it now is. Hosea, Joel, Amos, Micha, and Isaiah appeal to the precepts of the Mosaic law, and to the facts which are related in it; and they appeal to it as a book of paramount authority, which ought to settle every dispute, and to repress every transgressor. The appeals, moreover, which they make, are not merely to particular statutes comprised in the Pentateuch, but to various matters both historical and preceptive, taken without distinction from *all* the present books of the law of Moses.

To produce instances of all these appeals, would occasion too long delay on this part of our subject. We must be content with referring any who may doubt what is here stated, to Rosenmueller on the Pentateuch, (third edition, 1821, *Prolegomena*, page 11,) where he will find a synoptical view of references by the early prophets to the Pentateuch; or to Jahn's *Introduction to the Books of the Old Testament*, where, in his discussion respecting the age of the Pentateuch, ample references may be found to passages quoted by the different writers, during the ages that followed the time of Moses.

We omit also the very numerous and decisive appeals in the

New Testament, to the Pentateuch as the work of Moses ; not because we doubt that they are conclusive in respect to the fact itself, for this all must admit, who regard the writers of the New Testament as under divine guidance in the composition of their works ; but because such an appeal would probably be one, the force of which Gesenius would not admit. In matters of criticism, he regards the apostles and prophets as erring in common with the age in which they lived. Setting aside, then, all that ground of appeal which he would dispute, we have appealed only to those writings which preceded the captivity, or were composed either during this event, or so near it, that the authors must have known whether the Pentateuch was a recent book. We are willing to risk the whole question on the appeals which have been made, if they may be judged of by the same rules, which critics every day apply to the decision of questions that have respect to the Greek and Roman classics, or any other ancient writings.

3. Justice, however, to this important subject, obliges us to add some other considerations in favour of the antiquity of the Pentateuch, which may be called *indirect* testimony.

With a few solitary exceptions, everything in the Pentateuch conspires to prove its antiquity. Its historical, religious, political, and geographical matter, is such as might be expected in a book of the age which is claimed for it. The Exodus of the Hebrews under Moses as a leader, is a fact that no one doubts ; and the history of this, during forty years of wandering around the Arabian desert, is such as might be expected. It has been alleged, as a very formidable objection against the authorship of Moses, that the whole of the Pentateuch is in a *fragmentary condition*, exhibiting the formulas appropriate to the beginnings and endings of different compositions by a variety of persons ; that it exhibits a variety of repetitions, both of laws and facts ; and a considerable number of discrepancies, which could not have proceeded from one and the same writer. But this argument is far from convincing us that Moses was not the author. In fact, when thoroughly examined, it serves very much to strengthen us in the opinion that he was. Moses was forty years, at least, in completing the Pentateuch. Nothing can be more improbable, therefore, than the supposition that he did, or could (occupied as he was) set down and write the whole *continuously*, and agreeably to a plan previously arranged. His work, then, would necessarily contain a great many different compositions,



each of which would very naturally have some formula of commencement and conclusion. Nothing could be more accordant with the condition and circumstances of Moses than this.

Besides, there are most evident marks in the very nature of the composition, that much of it must have been written at the time when the facts, to which allusion is made, took place. For example, in the history of building the tabernacle (Exodus xxv—xxxv), we are presented with a draft for the model of it. We must believe this was drawn by the hand of Moses; for chapters xxxvi—xl exhibit a minute record of the accomplishment of this work, which is only a counterpart of the draft. It is perfectly natural, now, to suppose that the draft was first written out by Moses, and then the accomplishment of the work, piece by piece, recorded by himself, or by some one appointed by him to superintend it; and thus came about so long a series of architectural description, and the repetition of it. But who can suppose that a writer, several centuries afterwards, would repeat an account of *such* matters, in this minute way? Or whence could he possibly have derived the knowledge requisite for such a description? Surely tradition could never have preserved minutiae, of such a nature as the compositions in question exhibit; above all, it could not have presented them in the same order and copiousness, and with the same repetitions, that are now exhibited in the passages just described.

We ask, further, whether such a census as is contained in Numbers i. and ii, also in Numbers xxxiv, could have been orally and traditionally preserved? Above all, is it possible that the number and order of the Levitical rites and ordinances could have been kept merely in memory? Could a service, so important as this was deemed by the author of the Pentateuch, be left to mere *oral* tradition for preservation, when the art of writing was already in use? Could a service so complex in its nature, consisting of such a countless number of particulars, and to be performed by so great a multitude of priests, have been left to chance and to evervarying tradition for its regulation? The code for the priests occupies no small part of the Pentateuch; and when we find that the Jewish sacrifices, in all the ages which succeeded Moses, appear to have had, and in fact must have had, some rules, to which appeals about the time and manner of offering them were made; some rules, for the neglect of which priests and people are charged with disobedience and a wayward spirit; can it be that there was, during all this time,

no code for the priests except what was preserved by mere *oral* report? The thing is altogether improbable.

But when it is averred, that repetitions of the same subject, additions made to laws, and changes made in them, imply that different and discrepant traditionary accounts were, in some later age, thrown together by some anonymous compiler of the Pentateuch, we must avow that a very different conviction arises in our minds, from the knowledge of facts like these. For example, the law respecting the passover is introduced in Exodus xii. 1—28; resumed Exodus xii. 43—51; again in chapter xiii; and once more, with supplements, in Numbers ix. 1—14. Would a compiler, after the exile, have scattered these notices of the passover in so many different places? Surely not; he would naturally have embodied all the traditions concerning it in one chapter. But now, everything wears the exact appearance of having been recorded in the order in which it happened. New exigencies occasioned new ordinances, and these are recorded, as they were made, *pro re natâ*.

In like manner, the code of the priests not having been finished at once in the book of Leviticus, the subject is resumed, and completed, at various times, and on various occasions, as is recorded in the subsequent books of the Pentateuch. So the subject of sin and trespass offerings is again and again resumed, until the whole arrangements are completed. Would not a later compiler have embodied these subjects respectively together?

Besides repeated instances of the kind just alluded to, cases occur, in which statutes made at one time are repealed or modified at another. We refer to such examples, as our readers may find in Exodus xxi. 2—7, compared with Deuteronomy xv. 12—17; Numbers iv. 24—33, compared with Numbers vii. 1—9; Numbers iv. 3, compared with Numbers viii. 24; Leviticus xvii. 3, 4, compared with Deuteronomy xi. 15; Exodus xxii. 25, compared with Deuteronomy xxiii. 19; Exodus xxii. 16, 17, compared with Deuteronomy xxii. 29; and other like instances. How could a compiler, at the time of the captivity, know anything of the original laws, in these cases, which had gone into desuetude from the time of Moses?

All these things, to which we have been adverting, so far from strengthening the cause of those who deny the early age of the Pentateuch, serve to show, in our apprehension, that it was written, as it purports to be, by the great Jewish legislator, at

different times, *pro re natâ*, and in many different parcels at first, which were afterwards united. That the union of these might have taken place near the death of Moses, or still later, is altogether possible; nay, considering circumstances by and by to be mentioned, quite probable. That Moses wrote the whole Pentateuch with his own hand, need not be maintained; for what difference can it make with the authenticity of the book, whether he wrote it all with his own hand; or employed an amanuensis to whom he dictated it; or made use of some compositions which were from the pens of others, reviewing them and adapting them to his purpose? All late writers, who have critically examined the book of Genesis, concede the latter, in respect to that book. But by conceding this, neither the value of the book is diminished, nor its authority; nor is the fact at all impugned that Moses is the author of the Pentateuch. What he may have taken from others, and adapted to his own purpose, and sanctioned with his authority, is to be ascribed to him in every sense (so far as the *authority* of religious truth is concerned) which is worth contending about. Moses is the *voucher* for all that has passed through his hands; and that is sufficient.

4. In all the history of the Jews, throughout the Old Testament, whether it be found in the books which are merely historical, or adverted to in the prophets, there are laws, rules, and prescriptions referred to and implied, a departure from which lays the foundation of reproof; and a compliance with which is matter of commendation. It will be admitted that the laws &c. adverted to, appear to be uniformly the *same*. Now can such a case be well supposed, unless the record of such laws and prescriptions was reduced to writing?

5. Universal tradition, from the earliest ages down to the present hour, among Jews and Christians, ascribes the Pentateuch to Moses. The few critics who have in modern and recent times impugned this, are the only exception to be made to this statement. This argument is the same as that which satisfies us that Homer wrote the Iliad; Hesiod, the Theogony ascribed to him; Herodotus, the history which bears his name; and Virgil, the Æneid. In our apprehension, there is as little of solid ground to call in question the genuineness of the Pentateuch, as of the heathen writings just mentioned.

We have merely touched on some of the leading topics of argument, in respect to this great subject. We must necessarily

pass by a multitude of minor considerations, which might be added to strengthen what has been said, and hasten to some brief remarks on the arguments which are urged against the antiquity of the Pentateuch.

All the arguments of this kind may be reduced to three classes; namely, those drawn from the diction or language of the Pentateuch; those deduced from the general style and conformation of it; and such as are derived from particular passages, which are said necessarily to imply an age later than that of Moses.

1. In regard to the language of the Pentateuch, it is averred that it is throughout substantially the same with that, which appears in the books composed five hundred or more years later, that is, at or after the time of David; nay, the same as is found one thousand years later, in the books written at the time of the exile. No nation, it is averred, ever preserved a uniformity in a living language, for so long a period. No example of such a nature can be produced. Consequently, the Pentateuch must have been written at a later period.

In respect to this argument, we have to reply, that conceding for the present the statement to be true, respecting the sameness of language in the Pentateuch and later Hebrew writings, yet there are not wanting facts of a similar nature, to show that this argument has little or no weight. For example, the old Syriac version of the New Testament, called the *Peshito*, made probably in the second century, differs very little in respect to language from the *Chronicon* of Bar Hebraeus, written about one thousand years later. The language of the Koran, and of the Arabic just before and after the Koran was written, differs but slightly from that of the Arabic writers from the tenth down to the eighteenth century. So Rosenmueller and Jahn both assert; whom all will allow to be competent judges of this fact. And what is still more in point; Confucius, the celebrated Chinese philosopher, lived and wrote about five hundred and fifty years before Christ. Yet Dr Marshman, his translator, asserts, that there is very little difference between his diction, and that of the Chinese writers of the present day. One Chinese commentary, which Dr Marshman consulted, was written one thousand and five hundred years after the work of Confucius; and another, still later; and yet he tells us that he found no difference between the commentaries and the original, in respect to style and diction, excepting that the original was

more concise. Here then is a period of more than two thousand years, in which language has been preserved uniform. Such facts, in connexion with the well known aversion to changes among the oriental nations; and the consideration that the Hebrews were altogether a secluded people, having no commerce, and but little intercourse with foreigners, having no schools in philosophy, and making no advances in the arts and sciences, so as to create the necessity of introducing new words into their language—such facts would deprive the argument in question of all its power to convince, even if the assertion on which it is grounded were true.

But in this case, (as in many others, where the attractions of novelty have led men to make hasty and ungrounded conclusions,) the fact, upon examination, turns out to be altogether untrue. After it had been asserted, and repeated by the *neological* class of critics, in every part of the continent of Europe, the late Professor Jahn of Vienna undertook the investigation of it, by betaking himself to his Hebrew concordance, and looking the whole store of Hebrew words through and through, to find where and by whom they were employed. The result of this gigantic labor has been published, since his death, in two essays, printed in Bengel's *Archiv für die Theologie*, vol. ii. and iii. Two more essays in defence of the antiquity of the Pentateuch, the author had planned; but death interrupted his most valuable labors.

This writer has collected from the Pentateuch more than two hundred words, which are either not used at all in the other books; or are not used in the same sense; or have not the same form; or, if employed at all, are employed but in few instances, principally by the poets, who prefer the older diction. It would be out of place to give examples here, and we can only refer our readers to the work itself for ample satisfaction. To the class of words already named, the author has added a second class, still larger, of words frequently used in the later writings, and but seldom or not at all used in the Pentateuch. From the class of words so unexpectedly large, that are found to be peculiar to the Pentateuch, are excluded by Jahn, all proper names of persons, countries, cities, and nations; the names of various diseases and their symptoms, referred to in the Pentateuch; of defects in men, priests, and offerings in regard to ceremonial purity; the parts of offerings; and the objects in the three kingdoms of nature. Besides these, the multiplied

instances of peculiar phraseology are excluded. If all these had been *included*, he asserts it would have made the catalogue of peculiarities four or five times as large as he has now made it. Of this we doubt not. But enough is already done to put the question forever at rest, about the uniformity of the language of the Pentateuch with that of the later books. The labor of Jahn is one of those triumphant efforts, which patient and long continued investigation sometimes makes, to overthrow theories, which the love of novelty, reasoning *a priori*, or superficial investigation, ventures upon. Gesenius himself has not, in the work which we are reviewing, ventured on the argument against the early date of the Pentateuch, drawn from its language; but in an earlier work, his *History of the Hebrew Language*, he has appealed to this very argument as his main support; although his *Lexicon* itself, which points out the earlier and later usage of words among the Hebrews, sufficiently contradicts it.

It is gratifying to find that Rosenmueller, who, in the early editions of his commentary on the Pentateuch, appeared as a strenuous advocate for its late origin, has, in the Prolegomena to his third edition, attacked, and in our judgment overturned, the opinions, which in younger days he had broached. This shows a fairness of mind, which is promising, in respect to this learned critic. For the conviction, which led him to do this, he is plainly indebted to Jahn; as any one may satisfy himself, who will take the pains to compare the essays of Jahn with what he has written.

2. We hasten to the second source of objections against the antiquity of the Pentateuch, drawn from the general style and conformation of it.

Much that has been alleged here, we have already anticipated, under our third head of arguments in favor of the position, that Moses was the author of the Pentateuch. All the various introductions and conclusions of different pieces in the Mosaic books, all the repetitions and minor discrepancies, so much insisted on as proof of later compilation, we consider a presumptive evidence in favor of its composition by Moses; inasmuch as they accord very exactly with the real circumstances in which he was placed, when he wrote the books that are ascribed to him.

In regard to the allegations made, that there is a great diversity of style in the Pentateuch; above all, that the book of Deuteronomy is exceedingly diverse from the three other books,

and betrays a later and a different hand ; and consequently the whole can never be ascribed to Moses as the author ; we confess ourselves not to be much moved by allegations of this nature. De Wette, Vater, Gesenius, and other critics aver indeed, that the style of Deuteronomy is widely different from that of the other Mosaic books ; but Eichhorn, Eckermann, Herder, and many others of those who are called the most liberal critics, aver that the same style is everywhere to be met with in the last book of Moses, as in the others. *De gustibus non disputandum.* We may add, *A gustibus non argumentandum.* The subjective feelings of men, in regard to matters of this kind, are exceedingly liable to be guided by their previous intellectual views. Such is actually the fact, in regard to a multitude of cases, which every one at all conversant with the history of literature and criticism knows. Most abundantly satisfied we are, that the mere judgment of a modern occidental man, depending on his taste and fine perception of oriental and Hebrew niceties of style, is not to come in competition with *facts*, such as have already been adduced.

One amusing instance of criticism of this sort we will stop to relate ; as it may serve to aid what we are endeavoring to enforce in respect to our subject. Every tyro in criticism knows something of the celebrated Wolf, at Berlin ; and that he published very long and learned *Prolegomena* upon Homer, in which he labored to show, that the Iliad and Odyssey are, to an extent even unknown, spurious productions. The whole classical world has been obscured, by the smoke and dust which he has raised. The same Wolf, in his edition of some of Cicero's orations, says, (p. 4 and 7 of the Introduction to the Oration for Marcellus,) ' Quatuor orationibus Ciceronianum nomen *detraxi*. . . . Adeo mihi in oratione pro Marcello certa et perspicua videbantur inesse indicia *verbia*, et mirificus error, per tot sæcula propagatus, plane et evidenter convinci posse.' Just so De Wette and Vater speak respecting the Pentateuch. But Weiske, in his *Commentarius perpetuus et plenus in Orationem pro Marcello*, p. 5, seq. has taken the very same grounds, which Wolf has rested upon in order to impeach the genuineness of this oration, and applied them to prove that Wolf did not write the criticism which he has published ; and with complete effect.

How much now can be made of such confident judgments, formed merely by subjective taste ? Above all, can they be

relied on, when they overturn the established and uniform opinion of all preceding ages?

In our apprehension, there is a difference between the style of Deuteronomy and of the preceding books, like to that existing between the style of John's epistles and of his gospel. Old age is diffuse and affectionate. Both these traits are strongly marked in Deuteronomy, and in John's epistles. The case is different with the preceding books of the Pentateuch, and with the gospel of John. More than this cannot well be proved. Jahn has shown, that with the exception of a small portion at the end of the book, Deuteronomy has all the archaisms and peculiarities of the Mosaic writings.

3. The third class of objections it would take a moderate volume to discuss *seriatim*. We shall therefore choose only two or three topics, which exhibit a principle of reasoning that may be applied to all the particular cases.

The principal objections adduced by Gesenius, in the work which we are reviewing, against the antiquity of the Pentateuch, are founded on the principle, that many passages in it, particularly in the book of Deuteronomy, betray an exact knowledge of facts that happened in later ages. The argument is this; Moses could not have a definite knowledge of such facts, and consequently Moses did not write the passages in question, but some person who lived after the events described had taken place, or when they were apparently about to take place. He appeals for proof of this to Genesis xlix, as containing a graphic account of the fate and fortune of the twelve tribes; to Genesis xlviii. 8, seq. which exhibits similar matter, as also does Deuteronomy xxxiii. 1. He appeals to the threatenings in Leviticus xxvi, which, he says, are obviously such as the prophets were accustomed to utter in later ages, just before the events threatened took place. The same objection he makes to Deuteronomy xxxiii. The dispersion of the Jews, threatened in Deuteronomy iv. 27, 28, and xxviii. 25, 36, seq. he thinks must have been written after the event had commenced; and the law respecting false prophets, in Deuteronomy xiii. 1, and xviii. 20, must have been occasioned by the existence of them, which was long after the time of Moses.

All this, it is easy to perceive, turns on one single point, namely, whether Moses could and did possess a prophetic spirit, or the power of predicting events that were future. We believe that it is possible for the God who made men, to endow them



with such a spirit. On the testimony of Jesus and his apostles (not to mention other reasons which we have), we believe in the fact that Moses did possess this spirit. Now as it is plainly impossible to prove that he did not possess it, much more so that he could not possess it, any argument, built on the assumption that a knowledge of future events supernaturally communicated is an impossibility, can never be a valid argument against the early existence of a book which implies such a knowledge in the author. The question, whether Moses wrote the Pentateuch or not, is simply a *historical* one; and it cannot therefore depend on a philosophical maxim, which is founded on mere *à priori* principles of reasoning. The same argument which Gesenius here uses to disprove the antiquity of the Pentateuch, would disprove the existence of real prediction in any part of the Scriptures. We hesitate not to avow, that we can never be convinced by an argument which extends so far as this.

In the same strain of argument, our author alleges that Exodus xv. 13, 17, alludes to Jerusalem as a stated place of worship, and therefore the song in this chapter must have been composed after the events to which it alludes had taken place. This, if the nature of the argument were valid, depends on an interpretation of the passage which we regard as quite unnecessary, and in fact indefensible.

Such is the substance of the objections alleged by Gesenius against the antiquity of the Hebrew Pentateuch, and which go to prove, as he declares, that it must have been composed later at least than the time of Solomon.

Others have drawn out at great length all the particular passages, which necessarily imply, as they allege, a late composition of the books in question. For example; there are several passages where the ancient name of a town is mentioned, and then a later name is added. As an instance; in Genesis xiv. 7, the name Bela occurs, after which it is added, 'the same is Zoar.' So Genesis xiv. 7, 17. xxiii. 19. xxxv. 19. xlvi. 7. Deuteronomy iv. 48. There are some passages, too, where a more modern name occurs simply; as Hebron, in Genesis xiii. 18, compare Joshua xiv. 15. xv. 13. So Dan, in Genesis xiv. 14. Deuteronomy xxxiv. 1, compare Joshua xix. 47. Judges xviii. 29.

We very readily concede the point, that a few glosses of this nature, explanatory of more ancient geography, were added to the Pentateuch by later writers, in order to make it more intelligible to the men of their times. But the fact, that these glosses

stand so in relief, as it respects the original text, that a critic cannot well hesitate where they begin and where they end, is so far from being a proof that the whole books of Moses were composed in a later age, that it is manifestly a proof to the contrary. How could a late writer scarcely ever betray the age in which he lived? How could it be, that he should introduce no foreign terms into his work but such as are Egyptian, in the midst of all the intercourse which the later ages had with the nations of the north and the east? Questions difficult to be answered; and which have never been answered to our satisfaction, by any who oppose the antiquity of the Pentateuch.

We conclude this protracted part of our discussion, by a few remarks on the usual method of treating our subject.

The advocates for the antiquity of the Pentateuch have not unfrequently made such extravagant claims for the genuineness of every part of it, even the minutest, that they have unwarily contributed, in no small degree, to aid the assaults of their opponents. Will any man believe, for example, that Moses wrote the account of his own death and burial, which is placed at the end of the Pentateuch? May it not be conceded as probable, that the long genealogy of the kings of Edom, in Genesis xxxvi. was completed by some later hand? And when 'the man Moses' is described as 'meek beyond all others,' may not some other hand than his own have added this? Such high claims, which can never be rendered valid, nor shown to be reasonable, only serve to expose a good cause to the assaults of those who oppugn it. If they can triumph over one and another argument, which want of acquaintance with the subject, or superstition, or excessive views about the kind of perfection attached to the Scriptures have led men to use; they are very prone to carry an analogy forward, and extend it to all the arguments which are employed for the purpose of defence. The time has come, indeed, when men must know with what sort of arms they are contending. Every principle, in this age of free inquiry, will be probed to the very bottom; and if it will not abide the trial, it will be cast away. Sooner or later, it must come to this. We profess to be among those who believe, that the sooner this takes place, the better for the cause of truth, of the Scriptures, and the interests of true religion in the world.

If we have succeeded in showing that the Hebrew Pentateuch, as to all its essential parts, came from the hand of Moses, we have of course prepared the way to show the possibility, that

the Samaritan Pentateuch may be older than the time of the Babylonish exile.

We must limit ourselves to the leading topics of argument ; which we shall aim to state simply, without particular reference to all that has been written in regard to this subject.

It is important, in order to prepare the mind for a proper view of this topic, to take a brief survey of the condition and circumstances of the ten tribes, from whom the Samaritans originated, or whom, we may perhaps more properly say, they succeeded.

In the year 975 before Christ, ten tribes, under Jeroboam, revolted from the dominion of Rehoboam, the son of Solomon, and erected a separate principality. This continued, with some intervals of anarchy and confusion, for the space of two hundred and fiftythree years ; when the country was invaded by Shalmaneser, king of Assyria, and all the people of wealth, influence, and consideration, were deported to the provinces of Halah and Habor by the river Gozan, and to the cities of the Medes, 2 Kings xvii. 6. The succession of kings from Jeroboam downwards, may be exhibited to view in a short compass.

	A. C.		A. C.
Jeroboam . . . . .	975	Jeroboam II. . . . .	825
Nadab . . . . .	954	(Interregnum) . . . . .	784
Baasha . . . . .	952	Zachariah . . . . .	773
Elah . . . . .	930	Shallum . . . . .	773
Omri . . . . .	929	Menahem . . . . .	773
Ahab . . . . .	918	Pekahiah . . . . .	761
Ahaziah . . . . .	897	Pekah . . . . .	759
Joram . . . . .	896	(Interregnum) . . . . .	740
Jehu . . . . .	884	Hoshea . . . . .	731
Jehoahaz . . . . .	856	(Captivity) . . . . .	722
Jehoash . . . . .	840		

Most of these kings were more or less devoted to idolatry, or at least to *moscholatry*, that is, the worship of the golden calves set up by Jeroboam at Dan and Bethel, towns near the two extremities of his kingdom. This was, no doubt, like the worship that was practised in Egypt of the god Apis ; for Jeroboam had lived in Egypt, previously to his becoming a king, 1 Kings xii. 2. It would seem, however, that the design of Jeroboam was rather to worship Jehovah, under the symbol of the calves, than absolutely to proscribe all the religious worship due to him. It was Ahab, who first introduced the worship of foreign idols in a manner fully heathen, 2 Kings xvi. 30—33. He persecuted

and destroyed the prophets of the true God, and oppressed and terrified all who worshipped him. This did many of the succeeding kings, in a greater or less degree; but none, with the zeal and bitterness of Ahab, who was instigated by a heathenish wife, both bigoted and bloodthirsty. But during the reign of all the Israelitish kings, there were more or less true prophets and worshippers of the true God among the ten tribes. This is a very interesting fact; and it has a bearing so important on the subject of the present discussion, that some delay is proper, in order to establish it.

In the time of Jeroboam, the first king of Israel, we find the prophet Ahijah exercising his office among the ten tribes. Under Nadab, Jehu the son of Hanani was prophet; under Ahab, Elijah and Micaiah the son of Imlah; under Ahaziah, Elijah, Elisha, and Micaiah; under Joram, Elisha; under Jehu, Elisha and another prophet sent by him to anoint Jehu. In the time of Elijah and Elisha, there was a school of the prophets also at Bethel, 2 Kings ii. 3. Jehoahaz king of Israel sought the Lord, in the time of Elisha, and was promised victory over the Syrians his enemies; as did also Joash, his successor. Jeroboam the Second not only obtained a victory over the Syrians, according to the prediction of Josiah the son of Amittai, but extended his conquests so as to recover the dominions that had been lost, under Jehu and Jehoahaz. Under the reign of Jeroboam the second, Hosea and Amos, prophets whose works are a part of our Scripture canon, lived among the ten tribes, and prophesied concerning them. During the short and interrupted reigns which followed, there may have been, and probably were, prophets of the Lord among the ten tribes, although we have no express account of them. It is plainly intimated, however, in 2 Kings xvii. 13, that God did not cease to warn Israel, as well as Judah, by prophets and seers, down to the time of their captivity.

On the supposition now that the law of Moses was already in existence (as we have seen it probably was), during all the period in which the ten tribes had a separate national standing, and that so many true prophets lived among them, and were commissioned to instruct and reprove them; can it be rationally supposed, that these prophets had no copy of the Pentateuch, no standard to which they made the appeal in all cases of command and reproof? Were Elijah, and Elisha, and Hosea, and Amos, unacquainted with the law of Moses? Read the

works of the two latter prophets, and see if the appeal to the Pentateuch is not too often made, for any one reasonably to doubt of its existence, and of their acquaintance with it, in its present form.

But this is not all. The people among the ten tribes were never all of them devoted to idol worship. In the time of Asa king of Judah, about nine hundred and fortyone years before Christ, a great reformation was effected, and the worship of God renewed with zeal, among the tribes of Judah and Benjamin. With the devout worshippers from these tribes, great numbers out of Ephraim, and Manasseh, and Simeon, that is, out of the ten tribes, were associated, 2 Chronicles xiv. 8, seq. Under Ahab, the most zealous and oppressive of all the idolatrous kings of Israel, when even Elijah the prophet thought that he alone was left, of all the nation, who worshipped the true God, the divine response informed him that seven thousand remained in Israel, who had not bowed the knee to Baal, 1 Kings xix. 10, 18.

Hezekiah king of Judah wrote letters of invitation to Ephraim and Manasseh, to come and keep the passover with him and his people, 2 Chronicles xxx. 1; and although most of the people among these tribes derided the proposal, yet not a few of them accepted the invitation, 2 Chronicles xxx. 11. Josiah carried reform still further; for he went through the land of Israel, and destroyed all their idols and altars, 2 Chronicles xxxiv. 6, seq. That he did this with the approbation of very many among the ten tribes, may be inferred from the fact, that no war appears to have taken place in consequence of this proceeding.

Such are the numerous and unquestionable evidences, that the worship of the true God was kept up, in some form more or less perfect, among the ten tribes, during the whole of their existence as a separate nation. Now could this have been done without some rule; some uniform basis or support; some paramount authority to which the prophets all made an appeal, in order to enforce their reproofs, and sanction their precepts? To say the least, such would be a case extremely rare of occurrence; indeed, a case altogether improbable.

The ten tribes, then, were in possession of the law of Moses. Such is the conclusion to which facts like these necessarily bring us.

Besides, how happens it that the Samaritans, descended from them, have never possessed or acknowledged any other

of the Old Testament Scriptures, except the Pentateuch? Must it not have been for the reason, that when they received the Pentateuch, it was then the only part of the Hebrew Scriptures which was in common circulation among the Jews? If so, then they must have very early been in possession of it; for the writings of David and Solomon were already in existence, and if the ten tribes came in possession of the Pentateuch after these writings began to circulate, why did they not receive these Scriptures as well as the other?

Gesenius has adverted to this argument, in the work before us, page 4. His reply is, that the writings of David, Solomon, and the prophets who succeeded them, everywhere acknowledge Jerusalem and the temple there, as the seat and only proper place of sacred solemnities. This the ten tribes, of course, would not acknowledge; and therefore they rejected all the books, that is, the works of David, Solomon &c. which contained such acknowledgments.

But even if this be allowed, the reply is insufficient. The books of Joshua and Judges contain nothing of any such references to the preeminence of Jerusalem, and of the worship established there; nothing of the preeminence of the tribe of Judah; in short, nothing which would interfere with the peculiar views of the ten tribes about the place of worship. Now as these books, for substance, are confessedly of early composition, why should the Pentateuch be received among the ten tribes, or the Samaritans, and these be rejected, unless the reception of the Pentateuch among them took place at a time which preceded the circulation of the books in question among the Hebrews in general? The reason alleged by Gesenius proves too much; for if it be valid, then we might confidently expect to find the books of Joshua and Judges included in the canon of the Samaritans. The reason for rejecting particular books from the canon, which he assigns, does not apply to the books in question.

Besides, there is somewhat of *ὑστερον πρότερον* in the argument which the learned critic adduces. Where does he find, in the history of the ten tribes, any dispute about the place of worship? Surely it cannot be forgotten, that the question about mount Gerizim arose years after the return from the Babylonish exile. Jeroboam, indeed, established the worship of the golden calves at Dan and Bethel, the two extremities of his kingdom; but where does it appear, that the ten tribes attached any pe-

cular notions of value to these places, so that Jerusalem and Zion would have excited particular jealousy in their minds? The jealousies between the ten tribes and the two tribes, were of a civil and political, rather than of a religious cast. Who does not know that Judah and Benjamin, with their kings, fell into idolatry almost as often as the Israelites? Solomon began it, near the close of his life, 1 Kings xi. 7, seq. Rehoboam his successor followed his example, 2 Chronicles xii. 1, 14; as did Jehoram, 2 Chronicles xxi. 6; Ahaziah, 2 Chronicles xxii. 3; Ahaz, 2 Chronicles xxviii. 6; Manasseh, 2 Chronicles xxxiii. 2; Jehoiakim, 2 Chronicles xxxvi. 5; Jehoiachin, 2 Chronicles xxxvi. 9; and Zedekiah, 2 Chronicles xxxvi. 12. It was not, then, because the ten tribes were wholly devoted to idol worship (we have already seen this was not the case) and Judah wholly devoted to the worship of the true God, that enmity existed between them. They often harmonized in their objects of worship. The early enmity between these rival kingdoms, was plainly of a *civil*, not of a religious nature; a circumstance that seems to have been almost wholly overlooked, as yet, among critics who have assailed, or who have defended, the antiquity of the Samaritan Pentateuch. If we are correct, religious sympathies among the ten tribes are not to be adduced as an argument on which reliance can be placed, either in respect to the reception or rejection of any part of the Hebrew Scriptures. Two of their prophets, Hosea and Amos, are among the number of our canonical writers. Yet the Samaritans do not acknowledge them, and the Jews do acknowledge them. This only serves to show how much farther the argument, drawn from the religious sympathies of these two parties in very ancient times, has been carried, than can be justified by the facts which are before us. It was the occurrence that took place after the return of the Jews from their exile, and which is related in Ezra iv, that first gave rise to high religious antipathy between the Jews and the Samaritans; which was, however, exceedingly aggravated, when the Samaritans erected a rival temple on mount Gerizim, and claimed that place as the proper scriptural one, for the celebration of their religious solemnities.

Gesenius asks, How could Jeroboam possibly venture on idol worship at Dan and Bethel, and how could he have dared to dispossess the Levites of their rights, in case the Pentateuch had been in the hands of his people, which so plainly and di-

rectly forbids all this? But this proves too much also. Let us put it to the test. How could the Jews, during the very process of legislation at mount Sinai, and after the ten commandments had been published, make the golden calf and worship it? How could Solomon, and Ahaz, and Manasseh, and other Jewish kings, practise idol worship, when the same commands were extant among them in writing, as Gesenius himself would allow? So plain is it, that we never can argue from the practice of a corrupt and wicked people, to prove the nonexistence of a law among them forbidding their evil deeds. Might we not now prove, by the same process of argument, that the gospel does not at all exist in Christian lands?

The Pentateuch then may have existed, and it is altogether probable, in our view, that it did exist in writing, among the ten tribes. Let us follow its history down among the Samaritans.

After the deportation of the principal men among the ten tribes into a foreign land, by Shalmaneser king of Assyria, 2 Kings xvii, many heathen from the provinces of the Assyrian empire were sent, in their room, into the land of Israel, 2 Kings xvii. 24. These served not Jehovah; and he visited them with the ravages of lions. Terrified by this, they applied to the king of Assyria for counsel; who sent them a priest (one that had been carried away as a captive from Samaria) to 'teach them how they should fear Jehovah,' 2 Kings xvii. 28. At the same time they, still continued their idol worship; merely counting Jehovah as one of the gods to whom they paid their devotions, 2 Kings xvii. 32, seq.

It was at this period, that the name of *Samaritans* appears to have been given to this mixed people, composed of heathen and the lower classes of the ten tribes not carried away by Shalmaneser. This name first occurs in 2 Kings xvii. 29, and is derived from Samaria, the customary place of royal residence for the Israelitish kings. Omri, the father of Ahab, first built the city of Samaria, on a parcel of ground which he purchased of Shemer (שֶׁמֶר), and surnamed it after the original owner, שְׁמֶרוֹן *Shomerōn*, that is, Samaria.

We hear nothing more of the Samaritans, for one hundred and eightyseven years after this, when the Jews, returned from their exile, began to rebuild their temple. On this occasion, the Samaritans offered to assist them, alleging that they sought God in the same manner as the Jews, and were accustomed to sacrifice to him, from the time that the king of Assyria had



brought them into the land. The Jews, however, rejected their proposal, Ezra iv. 3, 4. Embittered by this, the Samaritans sought in various ways to hinder the building of the temple; and did, in fact, for a long time, delay the completion of it.

In the time of Nehemiah, about four hundred and eight years before Christ, Manasseh, a son of the high priest Jojada at Jerusalem, married a daughter of Sanballat the governor of Samaria, and was, on this account, exiled by his brother Jaddus, who was high priest at the time of this occurrence. Manasseh went over to his father in law, carrying along with him a party of Jews, who had married foreign wives, and had thus become obnoxious among their countrymen at home. Sanballat took advantage of this occurrence, and built a temple for his son in law, on mount Gerizim; which became an object of jealousy and bitter hatred, on the part of the Jews. About two hundred years afterwards, this temple was destroyed by John Hyrcanus, Josephus' *Antiquities*, xiii. 18. The place, however, remained sacred in the view of the Samaritans, even down to the time of our Saviour, John iv. 19, seq.

The Samaritans are frequently mentioned in the works of the Christian Fathers; but we know little of the particulars of their history, since they ceased to be a nation. As a religious sect, they exist to the present hour, and Sichem is, and has always been, their central point. There they have preserved a copy of the Mosaic law; and also a supposititious book of Joshua, so mutilated as scarcely to bear a perceptible relation to the true one.

From this brief view of the Samaritans, it appears highly probable that they have ever continued to possess copies of the Pentateuch, even from the time of Jeroboam; and that it is not without some good reason that critics, such as Eichhorn and others, have argued for the great antiquity of the Hebrew Pentateuch, from the antiquity of the Samaritan copy of it.

We have dwelt so long on the question respecting the antiquity of the Hebrew and Samaritan Pentateuch, because it is a very important one in regard to the literature of our sacred books; not to say almost an essential one, in respect to the authenticity of the five books of Moses. It is a question, too, which has deeply agitated critics on the continent of Europe, and which has been contested with great ability and learning, and not a little excitement of feeling. Hobbes, in his *Leviathan*, was the first in modern times, we believe, who ventured to assail the genuineness of the Pentateuch,

maintaining that these books are called *the Books of Moses*, because they have respect to him, and not because he was the author of them. After him, Peyrerius, Spinoza, Simon, Le Clerc in early life, Hasse, Fulda, Nachtigal, Bertholdt, and Volney, in various ways, called in question or denied the genuineness of the Pentateuch. But the most potent adversaries who have contended against it, are De Wette, Vater, and Gesenius, all still living. The two former have gone into the subject at great length, (De Wette in his *Beiträge* &c, and Vater in his *Commentary on the Pentateuch*), and collected together everything of importance that has been urged on this subject, and presented it in its strongest light. Vater has, on the whole, treated the subject with more discrimination and fulness, than any of the numerous opponents, who have in recent times risen up against the genuineness of the Pentateuch.

On the other hand, critics (liberal and orthodox, so called) have united their efforts in defence of its genuineness. Michaelis, Jahn, Steudlin, Eichhorn, Eckermann, Kelle, Rosenmueller, and others, have repelled the attacks which have been made. In particular, the last efforts of Jahn, to which a reference has already been made, have produced, we believe, a kind of cessation of hostilities, and an apparent doubt in the minds of assailants, whether the attack is to be renewed.

We have some other considerations, of a nature deeply interesting to sacred criticism, with respect to the Samaritan Pentateuch, which we cannot persuade ourselves to pass over in silence. All who are conversant with the Septuagint version of the Pentateuch, must know, that although, considered in a general point of view, it is a good version of the Hebrew, yet in very many cases it departs from the exactness of the original text. In regard to these departures, there is one circumstance of a very interesting nature; which is, that in more than a thousand cases of them, the Septuagint and the Samaritan Pentateuch are harmonious, both differing from the Hebrew, and agreeing in their differences. In most of these cases, the discrepancies with the original Hebrew are peculiar to the Samaritan and Septuagint codices alone, the ancient versions being only now and then accordant with them. The departures from the Hebrew, in the Septuagint and Samaritan, are thus classified by Gesenius, in the work which we are reviewing.

1. Those which are mere glosses or conjectural emendations of difficult passages. For example, Genesis ii. 2, 24. xiv. 19. xv. 21. xvii. 14 &c.

2. Very minute changes, not affecting the sense, and depending on the omission, transposition, or permutation of letters, &c. For example, *Vav* prefix is added, in the Samaritan, to the text about two hundred times, where it is not found in the Hebrew copy, and removed about one hundred times, where it is found in the Hebrew; in nearly all of which cases, it is closely followed by the Septuagint.

On the other hand, 3. The Septuagint agrees with the Hebrew, in cases like No. 2, in almost a thousand instances, where the Samaritan differs from both. For example, Genesis xvii. 17. xxi. 2, 4. xxiv. 55. xli. 32 &c. 4. Both the Samaritan and Septuagint sometimes depart from the Hebrew, in labouring to remove difficulties; but they pursue different courses, in order to accomplish this. For example, Genesis xxvii. 40. Exodus xxiv. 10, 11, and the genealogies in Genesis v. and xi. 5. The Septuagint accords with the Hebrew, and differs from the Samaritan, in all those daring interpolations, mentioned under the eighth class of various readings, in the former part of this review. 6. The Septuagint differs from the Hebrew and Samaritan both, in a few cases of minor importance, depending on transposition and permutation of letters, &c. or the introduction of parallel passages.

Castell has displayed all these discrepancies, in the sixth volume of Walton's Poylyglott, page 19, seq. In regard to most of the cases, in which the Septuagint and Samaritan agree when they differ from the Hebrew, it is perfectly plain that this could not have been the result of any concerted regular plan of alteration, such as we see in the Samaritan and Septuagint, in respect to the chronologies in Genesis v. and xi. Most of the discrepancies in question are entirely of an immaterial nature, not at all affecting the sentiment of the sacred text.

Such are the *facts*. But a more difficult question remains. How are these facts to be accounted for? A question that leads to some considerations, which, to hinder any one from taking alarm, demand a good degree of acquaintance with the business of criticism.

Three ways have been proposed, to account for such a surprising accordance of the Septuagint and Samaritan, in so great a number of cases, against the Hebrew.

I. *The Seventy translated from a Samaritan Codex.* So L. de Dieu, Selden, Hottinger, Hassencamp, Eichhorn, and others. But this is altogether improbable. The mortal hatred,

which existed between the Jews and Samaritans in Palestine, at the time when the version of the Seventy was made, extended in the same manner to the Jews and Samaritans in Egypt. Josephus tells us, that in the time of the Ptolemies (therefore at or near the time when the Septuagint version was made), the Jews and Samaritans disputed violently before the Egyptian king; and that the Samaritans, who were worsted in the dispute, were condemned to death, *Antiquities*, xiii. 6. But Hassencamp and others labor to show, that many of the departures in the Septuagint from the Hebrew text, can more easily be accounted for, by the supposition that they used a manuscript written in the Samaritan character; inasmuch as the similar letters in this character might easily lead them into the mistakes which they have made in their versions, while the Hebrew square character, which has different similar letters, would not thus mislead them. It is unnecessary now to relate what former critics have replied, in answer to these and all such arguments depending on the forms of Hebrew letters. Since Hassencamp and Eichhorn defended the above position, and since Gesenius replied to them, in the essay before us, Kopp has published his *Bilder und Schriften der Vorzeit*, which contains an essay on Shemitish palæography, that bids fair to end all disputes about the ancient forms of Hebrew letters. Instead of tracing back the square character to Ezra, and to Chaldea, as nearly all the writers before him, not excepting Gesenius himself, had done, he has shown by matter of fact, by appeal to actually existing monuments, that the square character had no existence until many years, probably two or three centuries, after the Christian era commenced; and that it was, like the altered forms in most other alphabets, a gradual work of time, of calligraphy, or tachygraphy. He has exhibited the gradual formation of it, from the earliest monuments found on the bricks at Babylon, down through the Phœnician, the old Hebrew and Samaritan inscriptions enstamped on the Maccabæan coins, and the older and more recent Palmyrene or Syriac characters, to the modern Hebrew. The reasoning employed by him, and the facts exhibited, are so convincing, that Gesenius himself, in the last edition of his *Hebrew Grammar*, has yielded the point, and concedes that the square character of the Hebrew is descended from the Palmyrene, that is, such characters as are found in the inscriptions upon some of the ruins at Palmyra.

All argument from this source, then, is fairly put out of ques-

tion, by the masterly performance of Kopp, to which we have just adverted.

As the Septuagint is well known, and universally acknowledged, to be a version made by Jews, for their own use at Alexandria, there cannot be even a remote probability, that this version was made from a copy in the hands of Samaritans, whom they abhorred as the perverters of the Jewish religion.

II. *The Septuagint has been interpolated from the Samaritan Codex; or the Samaritan from the Septuagint.*

Not the first; for the Jews certainly never loved the Samaritans sufficiently well, to alter their Greek Scriptures from the Samaritan codex, so as to make them at the same time discrepant from their Hebrew codex.

Not the second; for the Samaritans would have been as averse to amending their own codex from a Jewish Greek translation, as the Jews would have been to translate from the Samaritan codex. Besides, the greatest part of the discrepancies between the Samaritan and the Hebrew, are of such a nature as never could have proceeded from any design; inasmuch as they make no change at all in the sense of the passages where they are found. Although, then, critics of no less name than Grotius, Usher, and Ravius, have patronised this opinion, it is too improbable to meet with approbation.

III. Another supposition, in order to account for the agreement of the Septuagint and Samaritan, and their departures from the Hebrew text, has been made by Gesenius, in the essay before us. This is, *that both the Samaritan and Septuagint flowed from a common recension of the Hebrew Scriptures; one older of course than either, and differing in many places from the recension of the Masorites, now in common use.*

This is certainly a very ingenious supposition; and one which we cannot well avoid admitting as quite probable. It will account for the differences, and for the agreements, of the Septuagint and Samaritan. On the supposition that two different recensions had long been in circulation among the Jews, the one of which was substantially what the Samaritan now is, with the exception of a few more recent and designed alterations of the text, and the other substantially what our Masoretic codex now is; then the Seventy, using the former, would of course accord, in a multitude of cases, with the peculiar readings of it, as they have now done. If we suppose now, that the ancient copy from which the present Samaritan is descended, and that from which the Septua-

gint was translated, were of the same genus, so to speak, or of the same class, and yet were of different species under that genus, and had early been divided off, and subjected to alterations in transcribing; then we may have a plausible reason, why the Septuagint, agreeing with the Samaritan in so many places, should differ from it in so many others. Add to this, that the Samaritan and Septuagint each, in the course being of transcribed for several centuries, would receive more or less changes, that might increase the discrepancies between them.

This seems to be the only probable way, in which the actual state of the Samaritan and Septuagint texts, compared with each other, and with the Hebrew, can be critically accounted for. Admitting this, therefore, with Gesenius, to be a highly probable account of this matter, we should say further, that the admission of it requires a different view of the antiquity of the Samaritan codex, from that which he has taken. If the Pentateuch was first reduced to writing about the time of the Babylonish exile, then there remains not sufficient time for the numerous changes to have taken place, by which the various recensions in question should come to differ so much from each other. Gesenius fixes upon the time, when Manasseh the son of the high priest at Jerusalem went over to the Samaritans and built a temple on Gerizim, as the most probable date for the origin of the Samaritan Pentateuch. This time, he seems to admit, was during the life of Darius Codomannus (as Josephus states, *Antiq.* xi. 7, § 2, 3, 4, 6), and of Alexander the Great, that is, near three hundred and thirty years before Christ. Now the version of the Septuagint was made about two hundred and eighty years before Christ, so that only half a century, according to him, elapsed between the two events in question; a time not sufficient to produce much change in manuscripts. Even if we go back to the beginning of the exile, as the time when the Hebrew codex of the Pentateuch first originated (about five hundred and eighty-eight years before Christ,) we shall find it to be only two hundred and fifty-eight years from that period down to the time when the Samaritan copy, according to Gesenius, was probably made. If we suppose, with Prideaux and Jahn, that the apostasy of Manasseh took place a century earlier (a supposition, which Jahn has nearly demonstrated to be true, *Archæol. Theil* ii. § 63), then only one hundred and fifty years are left for all the changes in question to have taken place, by which the Samaritan codex is made so often to differ from the Hebrew. In any way of calculation, the origin of the

Pentateuch must be placed higher than Gesenius has placed it ; for the history of manuscripts will not justify the supposition, that changes so numerous, and undesigned (as he admits most of them to be), could have taken place in so short a period ; or that the various recensions of the Hebrew text could have differed so much, in so short a time, by the ordinary process of copying for circulation.

But we are aware, that we are now treading on sacred ground. If our suggestions are well founded, then must it follow, that in the time of Ezra, and previously to his time, there existed recensions of the Jewish Scriptures, which differed, in some respects, very considerably from each other. From this conclusion many will spontaneously revolt. All, who have not made sacred criticism a study, will be agitated with some unnecessary and ill grounded fears. For ourselves, we are fully convinced, first, that the position can be rendered highly probable ; and next, that it is no more dangerous than many other positions, which all enlightened critics of the present day admit.

It is probable ; because, as we have already endeavored to show, the actual state of the Septuagint and Samaritan Codices renders it necessary to admit the position. Moreover, the Jews have, from the most ancient times, uniformly held a tradition, that Ezra with his associates, whom they style the great Synagogue, restored the law and the prophets, that is, renewed and corrected the copies of them, which had become erroneous during the captivity. Certainly there is nothing at all improbable in this tradition. The corrected copies were the originals, probably, of our present Masoretic recension, which has in every age been in the keeping and under the inspection of the most learned Jews. The Samaritan copy, and that from which the Septuagint was translated, most probably belonged to the recension in common use among the Jews, and which, having been often copied and by unskilful hands, had come to differ in very many places from the corrected recension of Ezra.

How far back some of the errors in this common recension may be dated, it is difficult to say ; but in all probability more or less of them must be traced even to the very first copies taken from the original autographs. Such we know to have been the case, as is now universally admitted, in respect to the early copies of the New Testament. Is the Old Testament under a more watchful and efficient Providence than the New ? Or has it ever been so ? Nothing but the belief of a miraculous aid,

imparted to every copyist of the Hebrew Scriptures, can stand in the way of admitting the fact as we have stated it; and with such a belief, after several hundred thousand different readings have been actually selected from the manuscripts of the Old Testament, it would not be worth our while to expostulate.

In justice, however, to this subject, and to allay the fears of well meaning men, who are not experienced in matters of criticism, and therefore often exposed to be agitated with groundless fears, we must say a few words with respect to the dangers of the position that has been now discussed.

A great part of it is evidently imaginary. For out of some eight hundred thousand various readings, about seven hundred and ninety-nine thousand are of just about as much importance to the sense of the Hebrew Scriptures, as the question in English orthography is, whether the word *honour* shall be spelled with *u* or without it. Of the remainder, some change the sense of particular passages or expressions; or omit particular words and phrases; or insert them; but not one doctrine of religion is changed; not one precept is taken away; not one important fact is altered, by the whole of the various readings collectively taken. This is clearly the case, in respect to the various readings which are found in the Samaritan and Septuagint, if we except the very few cases of alterations in them, which plainly are the result of design, and which belong to more modern times. There is no ground then to fear for the safety of the Scriptures, on account of any legitimate criticism to which the text may be subjected. The common law has a maxim, which is the result of common sense, and must ever be approved by it; which is, *De minimis non curat lex*. Another maxim too it has, equally applicable to the subject before us, namely, *Qui hæret in literâ, hæret in cortice*. All those, who suppose that the Scripture depends on a word or a letter, so essentially that it is not Scripture if either be changed or omitted, must, if they will be consistent, abandon the whole Bible, in which many changes of this kind, it is past all question, have actually taken place. The critic wonders not that so many have taken place, but that no more have been experienced.

It is sometimes said, that 'he who knows nothing, fears nothing.' We believe this is occasionally true. But we apprehend the proverb would have come much nearer to a true statement of what usually happens, if it had been thus; 'he who knows nothing, fears every thing.' In innumerable cases do we see



this verified. It is quite applicable to the subject of various readings in the Scriptures. The first attempt to compare manuscripts and collect these readings, was denounced as something horribly profane and dangerous. Yet the comparison went on. Next, it was admitted to be right in respect to the New Testament, but very wrong in regard to the Old; every word, and letter, and vowel point, and accent of which, Buxtorf roundly asserted, are identically the same, all the world over. More than eight hundred thousand various readings actually collected have dissipated this illusion, and taught how groundless the fears of those were, who were altogether inexperienced in the criticism of the sacred text. Do Christians love and honor the Bible or its contents less now, than before the age of criticism? Let the present attitude of the Christian world answer this question.

Jerome, long ago, had shrewdness enough to say, that 'the scripture was not the shell, but the nut;' by which he meant, that the *sentiment* of the Bible is the word of God, while the costume, that is, the words in which this sentiment is conveyed, was of minor importance.

So the apostles and so the Savior thought, for they have, in a multitude of cases (indeed, in almost all the appeals recorded in the New Testament), appealed to the authority of the Old Testament, by quoting the Septuagint version of it; a version incomparably more incorrect, and differing from the original Hebrew in innumerable more places, than the very worst version made in any modern times. But, *de minimis non curat lex*; a truly noble maxim; yet one which superstition or ignorance knows not well how either to use or to estimate.

There is, then, no more danger, in supposing that very early there were different recensions of the Hebrew Scriptures, than in supposing, that there are different ones of the Scriptures of the New Testament, which all now admit; for it is not a matter of opinion and judgment, but of *fact*. The Bible, spreading through the whole earth, and becoming the rule of life and salvation to all nations, is, at least, as important now, as it was when only one small nation admitted its claims. It is surely no more an objection, then, against the watchful care of Providence over the church and the records of its holy religion, to admit that divers recensions of the Scriptures existed at an early age, than to admit that they now exist.

Thus much for the danger of the principle, which we have

admitted. We will now add, that if those who cherish any apprehensions of the kind which we have endeavored to remove, will faithfully examine the Hebrew Scriptures as they now stand, they will find discrepancies in the recensions of the same compositions, which stand inserted in different places of the sacred records. Let them compare, for example, 2 Samuel xxii, and Psalm xviii ; Psalm xiv, and Psalm liii ; Psalm cv, and 1 Chronicles xvi. 7, seq. If this do not satisfy them, we will point them to some more appalling comparisons, which they may make by reading Ezra ii, in connexion with Nehemiah vii. 6, seq. It were very easy to extend the same kind of comparisons to a multitude of places in the books of Kings and Chronicles, where the result would be the same. Those who have examined such matters, never can doubt how they stand ; it is only those who have *not* examined them, that pronounce a judgment which has its foundation only in their own theological views, or depends on reasoning *à priori*. Facts cannot be denied ; nor can facts be theorized away.

In the end, which is the safer way, in respect to the interests of truth and religion ; to assume positions on mere doctrinal grounds, and established only by reasoning *à priori*, which will be overthrown by the careful examination of facts ; or to examine facts first, and then to make out positions that are not liable to be overthrown ? The first method may wear the appearance of zeal and deep concern for the honor of the Bible ; but zeal without knowledge is not very auspicious to the best interests of the truth. The fact is, too, that in many cases of such zeal, it amounts to very little more than a cloak to cover ignorance of a matter, which men have not studied, and which it gives them pain to see that others have. How prone men are to regard that as worthless, which they do not possess, or to decry it, and make it obnoxious, need not be proved, after all the facts which lie before the world relative to such matters.

For our part, we believe that truth needs no concealment ; and that, at the present day, it admits none. The Bible has nothing to fear from examination. It has ever been illustrated and confirmed by it. We doubt not it will be still more so. But all pious fraud, all ‘expurgatory indexes,’ all suppression of facts and truths of any kind, only prove injurious, at last, to the cause, which they are designed to aid. This is a sufficient reason for abjuring them forever ; not to insist on the disingenuousness, which is implied in every artifice of this nature.

The fact, that various readings are found, not only in different classes of manuscripts, which have come down to us through different channels, but in cases where the same original documents are inserted in different places of the same class of manuscripts, is proved beyond contradiction. The first, by the actual comparison of manuscripts; the second, by a comparison of such parts of Scriptures as we have last alluded to above. Such a comparison may be extended very much farther, indeed to a great portion of the books of Chronicles, by reading them in connexion with the parallel passages in the books of Kings, and other parts of the Old Testament. Jahn's Hebrew Bible is not only the best, but the only work, which will enable one to do this without any trouble, as he has disposed of the whole books of the Chronicles in the way of harmony with other parts of Scripture. One thorough perusal and study of this, will effectually cure any sober man of all extravagant positions and theories about the letters and apexes of the Bible, and probably of all extravagant notions about *verbal* inspiration. Those who have never examined, are the only persons to be confident in such *minima* as these; those who have, pass by them in silence.

But we are diverging from our way, and hasten to return. We have only one topic more, respecting the Samaritan Pentateuch, which remains briefly to be touched.

It will be understood, of course, by every scholar who knows anything of the Samaritan Pentateuch, that it is not in the Samaritan dialect, but in the proper Hebrew tongue, like the Pentateuch in our Hebrew bibles, except that it is written in the old Hebrew character, which the Samaritans have always retained, with only slight variations. Of this document, and this only, have we hitherto spoken, whenever the Samaritan Pentateuch has been named. But we come now to state, that there is a translation of the Hebrew Samaritan Pentateuch into the proper Samaritan dialect, which is a medium between the Hebrew and the Aramæan languages. This version is very ancient; having been made at least before the time of Origen, and not improbably near the commencement of the Christian era. It is very literal, and close to the original; and what is very remarkable, is almost exactly the counterpart of the original Hebrew Samaritan codex, as it now exists, with all its various readings. This shows, in a degree really surprising, how very carefully and accurately the Hebrew Pentateuch has been copied and preserved by the Samaritans, from the ancient times in which their

version was made. This is its greatest value to us ; although it is of importance as one of the best means of becoming acquainted with the Samaritan dialect, which has so few remains, and has been so long extinct as a spoken language.

Besides this version of so ancient a date, there is also a version made by Abusaid, in the eleventh or twelfth century, into the Samaritan Arabic dialect, that is, the Arabic as spoken by the Samaritans. The translator appears to have been a man of talents ; and he has often hit, in a very happy manner, upon the best way of expressing the real sentiment of the original text, in difficult passages.

There are also a few scattered remains of an ancient Greek version, made from the Samaritan Pentateuch, some of which have been collected together by Morin, Hottinger, and Montfaucon ; but they are too scanty to be of much critical value.

It is easy to perceive, from what has already been said respecting the important Scriptural documents extant among the Samaritans, that their language and history ought to be a matter of deep interest among biblical and oriental critics. It has in fact been occasionally so, at different periods, since the Samaritan Pentateuch was first brought to Europe. Among the older critics, Hottinger, Morin, Cellarius, Reland, Basnage, Castell, and Mill, distinguished themselves by cultivating an acquaintance with these subjects ; and they have left behind them various monuments of their progress in the knowledge of them. Among the more recent critics, Schnurrer, Bruns, De Sacy, Winer, and Gesenius, stand most distinguished for this sort of knowledge. The last, in a particular manner, has carried his researches far beyond any of his predecessors. In the year 1820, this celebrated critic made a visit to England, and examined the Samaritan manuscripts deposited in the library at Oxford. Castell, long ago, in his *Heptaglott Lexicon*, had mentioned some Samaritan documents, which have often been referred to by the name of *Liturgia Damascena*, from which he gave some extracts, in his *Annotationes Samariticae*. These documents lay in the obscurity in which Castell left them, until Gesenius, on examining them, found them to be *hymns* of a religious nature. A minute examination enabled him to discover, that they were composed in an *alphabetical* way ; and this led to an arrangement of their several parts, which were before in a confused, chaotic state. From this discovery proceeded the second and third publications, which are named at the head of this article.

The first of these two is a discourse delivered, as the title indicates, during the solemnities of Christmas, before the university at Halle. It consists of a brief account of the state and sources of Samaritan literature, and an exposition of the theological opinions of the Samaritans, as deduced from the hymns in question. It appears that they are strenuous monotheists; that they have high ideas of the pure and spiritual nature of God; that they believe the world was created from nothing; that angels are emanations from the divinity; that the Mosaic law is of immediate divine origin; that the institution of the sabbath and of circumcision is of high and holy obligation; and finally, that the pious, after the rest of the grave, will be raised to a happy and glorious immortality. Nothing certain appears in the hymns, respecting the Messiah. Their views in former times with regard to him, are sufficiently plain, from what is said in John iv. respecting this subject. Their recent views are disclosed, by their correspondence with some of the literati of Europe. They expect a Messiah, who will restore the Mosaic worship, and with it their temple on mount Gerizim. He is also to make their nation very happy; and then to die and be buried with Joseph, that is, among the tribe of Ephraim. But when this will take place, they do not undertake to determine.

The *Anecdota Orientalia* (No. 3.) exhibits a number of the hymns above described, in the original Samaritan, accompanied by an Arabic version. This was doubtless made after the Samaritan had begun to be disused, and the Arabic to prevail. To these Gesenius has added a Latin version of his own, with copious notes that are filled with illustrations drawn from oriental sources, and from comparison with biblical and other writers. To the whole is appended a short glossary, comprising those Samaritan words not to be found in any of the usual Lexicons. A plate, at the close, exhibits the forms of the Samaritan letters, in different documents.

This is truly a most welcome present to the lovers and cultivators of oriental literature. A new source is now opened, which enables us further to pursue the study of the dialects kindred with the Hebrew; and easy means are furnished for doing it. Such are the triumphs which unremitting industry and persevering ardor achieve; while the timid and the indolent are yawning over what their fathers wrote, in their easy chairs by a comfortable fireside, unconcerned whether the Samaritans

and their language are brought out and exposed to light, or remain covered with darkness.

There is nothing in the Samaritan hymns, which absolutely determines their age. The probability is, that they were composed as early as the eighth or ninth century.

We give an extract from Gesenius' Latin translation of the first hymn, that our readers may see the kind of composition and sentiment which these Samaritan relics exhibit.

Non est Deus nisi unus.  
 Creator mundi,  
 Quis estimabit magnitudinem tuam?  
 Fecisti eum magnifice,  
 Intra sex dies.

In lege tuâ magna et vera  
 Legimus sapimusque.  
 In quovis illorum dierum  
 Magnificâsti creaturas.

Magnificatæ sapientiâ tuâ  
 Nunciant excellentiam tuam,  
 Revelantque divinum tuum imperium  
 Non esse, nisi ad magnificandum te.

Creâsti sine defatigatione  
 Opera tua excelsa;  
 Adduxisti ea e nihil  
 Intra sex dies.

Creâsti ea perfecta,  
 Non est in unico eorum defectus,  
 Conspiciendam præbuiisti perfectionem eorum,  
 Quia tu es dominus perfectionis.

Et quievisti citra defatigationem  
 Die septimo,  
 Et fecisti eum coronam  
 Sex diebus.

Vocâsti eum sanctum  
 Eumque fecisti caput  
 Tempus omni conventui [sacro],  
 Principem omnis sanctitatis.

Fecisti eum fœdus  
 Te inter et cultores tuos,  
 Docuisti custodiam ejus  
 Custodire custodientes eum.

Felices qui sabbatum celebrant,  
 Quique digni sunt benedictione ejus;  
 Umbra ejus sancta eos respirare facit,  
 Ab omni labore et defatigatione, &c.

The *Anecdota Orientalia* is very handsomely printed, on good paper, and with that almost unparalleled accuracy, which Gesenius generally exhibits, in all the works corrected by his own hand.

We are encouraged to hope that other oriental specimens of a similar nature will follow. The next number is to exhibit the *Book of Enoch*, in the Ethiopian language; which Gesenius believes to be the same book as that from which Jude, in his epistle, and all the early Christian Fathers, quoted. Whether this be the fact or not, we shall welcome the publication of the book; or of any other book, from which the language, the sentiment, or the literature of the Scriptures, can receive illustration.

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ART. III.—*Poem delivered before the Connecticut Alpha of the Phi Beta Kappa Society, September 13, 1825.* By JAMES G. PERCIVAL. Svo. pp. 40. Boston. Richardson and Lord.

It is a rare thing for a poet of Mr Percival's genius and reputation to appear at the anniversary of one of our literary associations. It is equally rare to adopt blank verse in a poem designed for recitation, and to extend it to the length of eleven hundred lines. Genius and fame stand an unequal match against these unfavorable circumstances. Few hearers could listen without fatigue to any composition of so great length. Still less when there must be the constant struggle, ever disappointed and ever renewed, to trace the structure of the verse.

But however ill adapted it may be for recitation, no such disadvantages attend it as offered from the press. We receive it as a poem to be read, and we read it without regarding its fitness to be spoken. It comes to the public with that recommendation from the author's name, which ensures it a candid perusal. The character of the subject and the occasion render it an object of more than ordinary notice; while the reputation of its fertile author, and the peculiarities of his beautiful but wayward

pen, demand that it should receive an impartial examination from those, who are solicitous about the popular poetry of our country.

The first thing which strikes us on reading this poem is, that the author has entered on too wide a field. He sets out upon the vast and boundless theme of 'Mind and its mysterious energies;' and in attempting at the commencement to state his purpose and point out his track, he plainly discovers that he has not surveyed it definitely with his own eyes, and really has no very distinct object in view. He seems to lay before us a plan; but as we look at it, we find that 'shadows, clouds, and darkness rest upon it.' This want of a definite purpose embarrasses the performance. The reader would suppose the object of the writer to be a description of that imaginative power of the mind, which is exercised in the creations of the fine arts, painting, sculpture, and especially poetry, and which conjures up scenes and forms of sublimity and beauty in reverie and sleep. This indicates, however, very inaccurately the course of the argument, and by no means serves as a guide through it. The poet himself is the first to lose his way.

The first part is philosophy, the second is example. The philosophy we are not sure that we understand, and what we do understand we do not always agree to. It is however very poetical, if not very true; and we will endeavor, to the best of our abilities, to give a prose interpretation for the benefit of our readers.

There are, says our author (beginning with one of the dogmas of the old philosophers), diffused through nature, certain Forms, unchangeable and everlasting, by which the mind is forever controlled and swayed; that is, if we rightly conceive the meaning, there are certain eternal principles of taste, to which the mind necessarily assents, to which it has in all ages owned allegiance, and to which 'the passions and desires have bent, as unto their lodestar.' Nothing can please, which is not conformable to these eternal principles.

' The nicest work  
Of Art, without the impress of these forms,  
Can fix no wandering glance—no linked sounds  
Of most elaborate music, if they flow not,  
With ready lapse, from this perpetual fount  
Of all blest harmony, can soothe his ear  
Even to a moment's listening.'



These Forms, he teaches us, are identical with Truth ; except, indeed, that while Truth requires for its discovery laborious research and study, these gain assent spontaneously and at once ; they are perceived and acknowledged by a sort of intuition, ' 't is but to look, and all is felt and known ; ' or, as it is again expressed, more ambitiously, but with less propriety,

‘ these, which are  
Lords of the Heart, as she is of the Mind  
In its pure reason—these at once approach,  
And with their outstretched pennons overshadow  
The willing soul.’

We are by no means convinced, that there is this instantaneous consent to the true principles of taste. This distinction between them and other truth is in our view fanciful and baseless ; and if it were of any consequence to the rest of the poem, that the question should be settled, it might easily be shown, that the sublime and beautiful, both in nature and art, require time and cultivation in order to their being duly appreciated, no less than the truths of mathematical and metaphysical science. The rude peasant lives and dies without any sensibility to the grandeur of the evening sky, and the savage exhibits no emotion as he gazes on the falls of Niagara. It is the mind which has been prepared by education, that understands and feels their greatness. So it is in the finest works of art. The barbarous nations felt no admiration for the beautiful works of Rome ; the Turks express none for those that lie in ruins at Athens, and the Cossacks would have looked with supreme indifference on the splendors of the Louvre. No one fully realizes the perfection of the Apollo Belvidere till he has studied it long, or has been accustomed to similar works. It is characteristic of the most perfect productions in poetry, that, instead of being fully admired at first, their excellencies open upon the mind gradually in repeated perusal, and some hidden beauties there are, which disclose themselves only to a long and familiar observation. Perhaps however the author means only, that the man of highest genius possesses this intuitive perception ; which would be more nearly true and more to his purpose. If it be so, then there is truth as well as beauty in the following passage, in which he asserts that no exhibitions of art can fully reach the conceptions of genius.

‘ Much has been thrown  
 On living canvass—much been cast abroad  
 In words of loftiest import—much been framed  
 By plastic hands to shapes of awe and wonder ;  
 But nothing ever bodied out the soul  
 In its most daring flight. The eagle soars not  
 Above the highest clouds ; and when at sunset  
 The sky is full of fiery shapes, that lie  
 Filling the half of heaven, there are, that catch  
 The sun's last smile, too high for any wing  
 To fly to, but they are the loveliest  
 And brightest—so the visions of the soul  
 Are often higher than the boldest leap  
 Of Execution, who with vain attempt  
 Lags far behind the rapid lightning glance  
 Of quick Conception.’

And hence it has happened, he continues, that mighty bards have lived and enjoyed all the luxuries of poetical contemplation, and perchance framed nobler songs than have ever been sung,

‘ and yet never  
 Put forth one visible sign, to tell the world,  
 How much they felt and knew.’

For invention, whether in sculpture, poetry, or painting, does not lie in the actual specimens of art which are exhibited to the world ; but in the secret operations of the mind, while it contemplates in its own chambers possible forms and existences, without perhaps ‘knowing the names of those high arts,’ by which they may be communicated to other men. And on the other hand, those, who have learned to express their conceptions in these visible representations, have created works, which, being conformed to the eternal forms of things, are still beautiful and admired, though obscured by the darkness of antiquity, and veiled in languages which for centuries have ceased to be spoken.

‘ Though a chosen few  
 Alone can read the ancient words, that seem  
 Like magic letters to the common eye ;  
 Yet in the humble garb of common prose,  
 Or in the guise of more ambitious verse ;  
 Bereft of all their sounding harmony,  
 Or hidden by a load of modern art,

Unseemly ornament and fitted ill  
 To the simplicity of heroic times ;—  
 Yet even thro' all these shadowings, every eye,  
 That hath a natural sense, can see the brightness  
 And beauty, Time can never dim or fade.'

There are still, however, many, to whom these eternal laws of truth are unknown. Our poet proceeds, therefore, to draw a picture of the select few, who have retired from the vulgar herd to indulge the aspirations of their higher powers, in the solitudes of nature, and in communion with her forms. There is great beauty in the more than usual simplicity, with which these sentimental anchorites are described.

' They were alone  
 In their endeavor. None to cheer them nigh ;  
 None to speak favorable words of praise.  
 They charmed their solitude with lofty verse,  
 And made their hours of exile bright with song.  
 They had no comforter, and asked for none ;  
 No help, for none they needed. Loneliness  
 Was their best good ; it left them to themselves,  
 Kept out all vain intrusion, and around them  
 Spread silently an atmosphere of thought,  
 A sabbath of devotion, such as never  
 Hallowed the twilight vaults of ancient minster,  
 Or filled with many prayers the hermit's cave.  
 It was the deep devotion of the mind  
 In all its powers, sending itself abroad  
 In search of every fair and blessed thing,  
 And with a winning charm enticing home  
 All to itself. They came at its command,  
 Trooping like summer clouds, when the wide air  
 Is thick with them, and every one is touched  
 By the full moon to a transparent brightness,  
 Like heaps of orient pearl. The kindled eye  
 Ran over them, as lightning sends its flash  
 Instant through all the billows of the storm,  
 And took the fairest, and at once they stood  
 In meet array, as if a temple rose,  
 Graced with the purest lines of Grecian art,  
 At the sweet touch of an Apollo's lyre.'

The train of thought in the succeeding passages is not easily traced, until we come to the difficulties, oppositions, wrongs, outrages, against which poets have always been condemned

to struggle, illustrated in the instances of Milton, Dante, Spenser, and Tasso. After this, the scene suddenly changes; and we find ourselves, we do not know how or why, out among the works of nature, surveying the sublime sky, and admiring the beautiful things of earth. The only purpose of this unexpected transmigration, as far as can be discovered, is to create a commodious introduction to a vision, which the poet had a few nights previous, when contemplating such a scene as he describes; which vision, however, though a natural way is thus forcibly opened for it, seems to have no actual relationship with the subject in hand, and can be admitted only on the ground, upon which Cicero claimed the citizenship for Archias, that good poetry has a claim everywhere. And truly we are willing to read verse like this, wherever we may find it. He speaks of poetry.

‘ Though it find much on earth  
 Suited to its high purpose, yet the sky  
 Is its peculiar home, and most of all,  
 When it is shadowed by a shifting veil  
 Of clouds, like to the curtain of a stage,  
 Beautiful in itself, and yet concealing  
 A more exalted beauty. Shapes of air,  
 Born of the woods and waters, but sublimed  
 Unto a loftier Being! Ye alone  
 Are in perpetual change. All other things  
 Seem to have times of rest, but ye are passing  
 With an unwearied flow to newer shapes  
 Grotesque and wild. Ye too have ever been  
 The Poet's treasure-house, where he has gathered  
 A store of metaphors, to deck withal  
 Gentle or mighty themes. I then may dare  
 To call ye from your dwellings, and compel ye  
 To stoop and listen. Who that ever looked  
 Delighted on the full magnificence  
 Of a stored Heaven, when all the painted lights  
 Of morning and of evening are abroad;  
 Or watched the moon dispensing to the wreaths,  
 That round her roll, tinctures of pearl and opal—  
 Who would not pardon me this invocation  
 To things like clouds?’

There are a great many things in the poem, which need an apology more than this invocation. It has a sadly prosaic effect to come down thus from a high flight.

His vision is of a bright and glorious mountain, on whose top is a throne, upon which sit three persons, who seem to personify three classes of the intellectual operations. 'This is the Seat of Intellect.' As he gazes upon this—which he does throughout nineteen breathless lines, till we are out of breath ourselves, and are extremely puzzled to know what it is like, it is like so many things, and they are like so many others—

‘ then as I gazed,  
A most majestic sea of rolling clouds  
Seemed to surround that throne, and it advanced,  
And gradually took form, and I beheld,  
Each on his shadowy car, spirits, who told,  
By their commanding attitudes, that they  
Were wont to rule.’

These spirits were those of distinguished poets, who were disposed in three spheres, according to the three characteristic departments of genius, or the eminence which they had obtained. The highest sphere was occupied by Homer, Milton, Shakspeare, and another poet, whom we should suppose a living one, from the description, were it allowable for him to appear among the spirits of the departed. But the names are not given, and there is such a want of distinctness in the description, that we are fairly put to our guesses, and may have guessed wrong. 'In the sphere beneath them there were many;' of whom he describes two, but here again with such indistinctness, that we are not quite positive that the first is Virgil; it may be some one else. We do not doubt that the second is Spenser. The lower sphere contained the bards of fierce and wild passion, 'such spirits as have made the world turn pale.' Among them are described certain shadowy forms, which we take to be those of Æschylus, Byron, and Dante. The first is characterized in a strong expression.

‘ He found his pleasure  
In planting daggers in the naked heart,  
And one by one drawing them out again,  
To count the beaded drops, and slowly tell  
Each agonizing throb.’

These spectres having past in review before the dreamer, Dante rises from his seat, and invites him, if so inclined, to join the labors and honors of this high fraternity, encouraging him

thereto by a dark picture of the ills he must endure, and the scorn he must encounter, especially in America. What he thought of the old Italian's communications, Mr Percival does not tell us; for here his poem abruptly closes, without even informing us, as is usual in such cases, whether he has ever awaked from his dream. We hope that he has not; for we should be sorry to impute to him in his waking hours, the sentiments which he has put into the mouth of Dante. They might be suited to the times in which that bard flourished, but are certainly out of date in the nineteenth century. For example;

‘If thy heart  
 Feel aught of longing to be one of us,  
 Be cautious and considerate, ere thou take  
 The last resolve. If thou canst bear alone  
 Penury and all its evils, and yet worse  
 Malevolence, and all its foulmouthed brood  
 Of slanderers, and if thou canst brook the scorn  
 And insolence of wealth, the pride of power,  
 The falsehood of the envious, and the coldness  
 Of an ungrateful country—then go on  
 And conquer. Long and arduous is the way  
 To climb the heights we hold, and thou must bide  
 Many a pitiless storm, and nerve thyself  
 To many a painful struggle.’

Again.

‘Let it not depress thee,  
 That few will bid thee welcome on thy way,  
 For 'tis the common lot of all, who choose  
 The higher path, and with a generous pride  
 Scorn to consult the popular ear. This land  
 Is freedom's chosen seat, and all may here  
 Live in content and bodily comfort, yet  
 'Tis not the nourishing soil of higher arts,  
 And loftier wisdom. Wherefore else should He,  
 Who, had he lived in Leo's brighter age,  
 Might have commanded princes by the touch  
 Of a magician's wand, for such it is  
 That gives a living semblance to a sheet  
 Of pictured canvass—wherefore should he waste  
 His precious time in painting valentines,  
 Or idle shepherds sitting on a bank  
 Beside a glassy pool, and worst of all  
 Bringing conceptions, only not divine,

To the scant compass of a parlor piece—  
 And this to furnish out his daily store,  
 While he is toiling at the mighty task,  
 To which he has devoted all his soul  
 And all his riper years—which, when it comes  
 To the broad light, shall vindicate his fame  
 In front of every foe, and send to ages  
 His name and power—else wherefore lives he not  
 Rich in the generous gifts of a glad people,  
 As he is rich in thought? There is no feeling  
 Above the common wants and common pleasures  
 Of calm contented life. So be assured,  
 If thou hast chosen our companionship,  
 Thou shalt have solitude enough to please  
 A hermit, and thy cell may show like his.'

Perhaps it will prove us to have a very prosaic temperament, if we take up these passages seriously; but we must run the risk of this, and say that we hold them to be altogether wrong and mischievous. It is mere cant to talk in this style about the miseries of poets at the present day. They are under no necessity to be miserable, more than other men of genius, except through their own fault. The world, instead of scorning, courts them; instead of slandering, honors them; and if they will but write good verse, suitable to be read, will buy it till they become rich. How far the proverb anciently applied to poets, that they are a *genus irritabile*, is true in these days, we shall not attempt to decide; but if they choose to be reserved and suspicious, to reject the proffered courtesies of society, and shrink from converse with men, and stubbornly pursue their own fancies, without consulting the taste of the public and the established modes of their art, it is more than probable, that the world will cease to court them, and will leave them to themselves, as it does every other man, who chooses not to mix in its circles upon an equal footing. But this is not peculiar to poets; it applies to every person, whatever his talents, pursuits, or qualities. The courtesies of social intercourse are in their nature reciprocal, and it is vain to expect them long to be continued on one part, where they are neglected or disregarded on the other. No man of worth, poet or not, who seeks the notice and good offices of society, with a willingness to impart what he receives, will fail of his reward in full measure; and it is an unjust reflection on the age, to speak of the ill treatment of men of genius. The

fact is otherwise ; no men are so much honored, caressed, and confided in. It were as reasonable for a cabinetmaker to complain of want of patronage, because men would not go down to his workshop on an island in the harbor, and purchase furniture, which he has made of the most fantastic and unfashionable forms. Let him come up to the city, and make such sofas and tables as other men do, and as much handsomer as he pleases. Campbell, Scott, Crabbe, Moore, and Byron, are standing testimonies, that the world does not now compel poets to poverty and contempt ; though the last of them did his utmost to drive matters to that extremity.

In regard to the second passage quoted above, we are ready to assent with all our hearts to whatever tribute it contains to the distinguished and excellent artist referred to. We would not fall a note below any one in our eulogy. But we cannot by any means allow the sentiment of the passage to be just. For what is it, when put into plain English ? That if this community were not so absorbed in ' common wants and common pleasures,' as to be absolutely without taste or sensibility in the fine arts, they would, by ' generous gifts,' enable their great artist to devote himself to his ' mighty task,' without being called away to execute smaller works for his living ; as if this employment were so degrading, that the public are bound to save him from it by a subscription,—secure his independence by a charitable contribution ! This is as if a poet should complain, that the nation has not provided him with lodgings, that he may leisurely write an epic poem, and be rescued from the degradation of odes and sonnets, which it wounds his feelings to have sold in the book-stores. For ourselves, we wish that Allston would multiply a hundred fold his minor works ; because the records of his fame would be thus multiplied, and the influence of his genius extended. We should be glad, if one of his ' parlor pieces ' were hung up in every drawingroom in the country, that the taste of the community might thus be prepared to comprehend and relish some greater work hereafter.

If the poem under notice were the performance of an ordinary writer, we should leave it here ; satisfied that we had done our duty to the poet and to the public. But Mr Percival is too important a man, and his example of too great influence, to admit of our leaving unsaid a few other things, which have suggested themselves to our thoughts. The course of our remarks must have rendered it evident, that we have read this poem with a



great mixture of feelings ; and we are not willing to lay down the pen, till we have stated a little more at length some of the circumstances, which have detracted from our pleasure, and which forbid our leaving it to be inferred, that the fine extracts which we have made, are specimens of the equal merit of the whole.

We think, then, that there is an excessive diffuseness in the style of Mr Percival. It is not sufficiently compact. It wants pith and point ; it lacks the energy, which conciseness imparts. Every thing is drawn out as far as possible, always flowing and sweet, and therefore sometimes languid and monotonous. His poetry is too much diluted. It consists too much in words, which are music to the ear, but too often send a feeble echo of the sense to the mind. There is also a superabundance of images in proportion to the thoughts ; they skip about the magical scene in such numbers, that they stand in the way of one another and of the main design. He is too careless in selection ; whatever occurs to him he puts down and lets it remain. He is not master of

‘ That last, the greatest art,—the art to blot.’

Writing, as he evidently does, from the fulness of an excited mind, upon the impulse of the moment ; his thoughts crowd one another, and cannot always fall at once into their places and in the happiest expression. There will be confusion sometimes in their ranks, and want of due proportion. This can only be remedied by the free use of the pruning knife—cutting down sentences, changing epithets, rejecting superfluities, expelling parentheses, and various other mechanical operations, to which a less gifted but more patient author would resort. By the neglect of this, he does the greatest injustice to his own powers. Every thing wears an extemporaneous and unfinished appearance. Strength and weakness are most strangely combined, and passages of surpassing elegance and magnificence crowded in amongst slovenly and incomplete. Hence it is rare to meet with a paragraph of any length equally sustained throughout. Flaws show themselves in the most brilliant, and the reader is compelled to stop with a criticism in the midst of his admiration. Instead of giving us, like other poets, the finished work, he gives us the first rough draft ; as if Phidias should have ceased laboring on his statues as soon as the marble assumed a human semblance. It is the last touches, which create perfection. It is in them that immor-

tality lies. It is they that remove the last corruptible particles, and leave the mass indestructible. Without them, Virgil, Pope, and Milton, would have gone down to forgetfulness, and Demosthenes and Bossuet have been remembered only by tradition. But Mr Percival, through impatience of labor or some false notions, declines the necessary toil, and takes his chance for immortality in company with imperfection.

For this reason, his powers are displayed to greater advantage in particular passages and in short pieces, than in any extended composition. At a single heat he may strike out a fine conception, and give it the happiest shape. But when his thoughts and pen run on through successive parts of a subject, he easily loses himself in a wilderness of words, beautiful and musical, but conveying indistinct impressions; or rather conveying impressions instead of ideas; reminding us of poetry read while we are falling asleep, sweet and soothing, but presenting very shadowy images. Yet no man has more felicity in expression, or more thoroughly delights and fascinates in his peculiar passages. He has a superior delicacy and richness of imagery, together with an extraordinary affluence of language, of which he can well afford to be, as he is, lavish. It is probably a consciousness of this opulence, which betrays him so often into *verbiage*. He throws away images and words with a profusion which astonishes more economical men, and which would impoverish almost any one else. He may possibly afford it, yet a discreet frugality of expenditure would be far more wise; as a simple, chastened elegance is far preferable to a wasteful display, which exhibits its whole wardrobe and furniture without selection or arrangement. We find it difficult to select a passage, which may illustrate our remarks, as those which are most to our purpose run on, line after line, almost indefinitely. The following example is within as small a compass as any.

‘ With such a gifted spirit, one may read  
 The open leaves of a philosophy,  
 Not reared from cold deduction, but descending,  
 A living spirit, from the purer shrine  
 Of a celestial reason. One is found  
 By slow and lingering search, and then requires  
 Close questioning of minutest circumstance,  
 To know, it has the genuine stamp. The other  
 Is in us, as an instinct, where it lives  
 A part of us, we can as ill throw off,  
 As bid the vital pulses cease to play,

And yet expect to live—the spirit of life,  
 And hope, and elevation, and eternity,—  
 The fountain of all honor, all desire  
 After a higher and a better state,—  
 An influence so quickening, it imbues  
 All things we see, with its own qualities,  
 And therefore Poetry, another name  
 For this innate Philosophy, so often  
 Gives life and body to invisible things,  
 And animates the insensible, diffusing  
 The feelings, passions, tendencies of Man,  
 Through the whole range of being. Though on earth,  
 And most of all in living things, as birds  
 And flowers, in things that beautify, and fill  
 The air with harmony, and in the waters,  
 So full of change, so apt to elegance  
 Or power—so tranquil when they lie at rest,  
 So sportive when they trip it lightly on  
 Their prattling way, and with so terrible  
 And lionlike severity, when roused  
 To break their bonds, and hurry forth to war  
 With winds and storms—though it find much on earth  
 Suited to its high purpose, yet the sky  
 Is its peculiar home.'

Now we conceive that there is no little beauty in this passage, and yet the sensation after reading it is that of confusion and fatigue. Its beauties come upon the eye by glimpses, like the sparkling of a river, here and there, through the hills and forests, among which it winds. The writer's thoughts poured fast, and without selection or amendment he transferred them to his page. But it is obvious, that a careful revision, which should reduce the lines to half their number, would more than double the value of those that remain. We are stopped at the very outset by an obscurity arising from the circumstance, that the poet uses the words *one* and *the other*, to refer to the form in which the preceding sentence lay in his own mind, instead of its form as written. The reader is obliged to study for some time ere he can discover to what two things he alludes. 'To know, it has the genuine stamp.' Here too the construction disturbs him; he must read a second time before he sees, that 'whether it have' would give the true sense. In the next sentence, which contains fifteen lines, he very soon becomes a little bewildered, and when he reaches the words 'so often,' he is thrown out of his

track altogether and compelled to try again. For ourselves we confess, that even the second reading did not sufficiently disentangle the construction. In the next sentence, he stumbles at once upon a parenthesis of ten lines, without any intimation from any quarter that his path is thus turned aside, and he travels on to the end, blindfold, not knowing whither he is going. After a few pages like this, most readers would be inclined to give up the study in despair; and if called upon to remark how wonderful it is, that it should have been written in so short a time; they might be expected to reply, Very true, but Sheridan's remark is true also, 'Easy writing is hard reading.'

A similar example occurs in the long chain of sentences, which are linked together on pages 14, 15, 16, and which evidently owe their blemishes to their extemporaneous composition.

'Chasing him in his exile till *they* left  
No pillow for his head.'

The antecedent of *they* is Florence.

'O! it is painful,  
To think the very chiefest of the mighty,  
Heroes in song, *as there are those* in war—  
How they were made the butt and sport of fools.'

This is slovenly.

'We may well  
Forgive a heart, that could not brook the sight  
Of any suffering thing, that *he* indulged  
Such fond imaginings.'

Here again the pronoun has forgotten the gender of its antecedent, as in the preceding instance its number.

Speaking of the stars in a bright winter's night;

'And all the *skyey creatures* have a touch  
Of majesty about them.'

'These, as they had no favor from the world,  
*Whose love is change*, so they are still above it.'

Meaning, we suppose, 'whose love is changeable.'

In a passage already quoted, he makes the *visions of the soul* higher than the *leap* of Execution; and Execution lagging behind the *glance* of Conception.

We are inclined to attribute many of the blemishes of Mr

Percival's general manner, and of the present poem in particular, to the want of sufficient respect for the mechanical laws of metrical composition. We know it is the tendency of the age to give them as liberal an interpretation as possible, and to assume the greatest license in breaking them. But few have so often and perseveringly broken them as our author. He delights in the anomalies of verse; he prefers the exception to the rule; he sets at defiance the established accents and pauses, and loves to baffle the ear that seeks the accustomed rhythm, and is expecting the close of the line to be signified by a pause. In some of his smaller pieces he has done otherwise; and in them his success has been complete; as for example, in the *Coral Grove*, one of the most distinct and exquisite pieces of fancy work, which the muse ever sketched. And in general, where he has been most observant of the laws of metre, and has been willing to submit to their severest restraint, there he has succeeded best in avoiding his characteristic blemishes. But in some of his longer poems, he defies all restraint, and bursts from all shackles; pauses where he pleases, changes the rhythm when he pleases, rushes by the termination, and tramples down the *cæsura*, and brings rhyme as nearly as possible to blank verse, and blank verse as nearly as possible to prose.

We apprehend indeed that the rules of blank verse are far too loosely observed by most writers of the present day. Too great care is taken to conceal its structure, and to prevent the ear from detecting the close of the lines. It is doubtless necessary to avoid that formality of construction, by which the march of the lines could be all distinctly told, as if it were intended that they should be counted off as they were uttered. For it is the privilege and charm of this verse to admit a musical succession of unequal sentences, a melody forever sustained and forever varied. But then it is of the utmost importance, that strict attention should be paid to this succession of sentences, that the rhythm should be skilfully adjusted, and the pauses distinctly marked and harmoniously arranged. Poetry, as far as it consists in words, depends upon the rhythmical structure of the language; and this depends on the return, at intervals which the ear can mark, of certain accents and pauses. In order to secure this the sentences must not be extended beyond a certain length. They must for the most part be short. Otherwise the ear becomes wearied in beating the time, and perhaps is bewildered in the intricacy of the elongation. Accordingly we believe it will be found, that the most admired poets express themselves uni-

formly in short sentences, with frequent pauses. This circumstance constitutes, in no small degree, the charm of their verse. And this also is a great part of the charm of those writers, who have been most admired for their elegant and melodious prose. They present no more at a time than the ear can compass. In this respect there is a coincidence between poetry and music. All music is made up of short measured passages, in which the pauses and semipauses are distinct and frequent. No musical composition would be tolerable, which should run on through twenty bars without such resting places for the ear. It would be but a wilderness of sounds, without sense or expression. The pleasure of verse depends on the same principle, and is as surely destroyed if it be unobserved. A long passage of verse, in which the metrical pauses do not strike the ear with decision, comes to it as prose. Its character changes from the poetical to the rhetorical; and the rhetorical style, which delights in protracted periods and accumulated members, is as much out of place in a poem, as the flowers, and tears, and sentiment of poetry are out of place in the senate, or at the bar.

Now we conceive that these principles, however essential and fundamental, are too much winked out of sight at the present day; and that the ridicule of 'sing song' and 'cuckoo song' verses has persuaded many to think that prosaic lines are beautiful, and that a breach of established rules is better than the observance. Hence feeble and halting verses are thrown in to disturb the metre and create a salutary discord; and paragraphs, which should be adjusted to the musical movement of poetry, are lengthened out in the measure and emphasis of rhetoric.

Through this mistake the peculiar excellencies of blank verse are made to disappear. It is a noble verse in itself, capable of wonderful variety and almost unequalled expression. It sustains the sublime, it gives grace to the little; and by its many modulations and combinations, may take as wide a range as the organ with its many stops. But in order to this, it must be managed by a skilful hand. A tyro, or a careless performer, may bring out only discordant and disagreeable tones. It is an instrument, whose power must be studied. It requires the touch of a master, whose soul is not only a fountain of harmony itself, but who by diligent study has become acquainted with the mysterious contrivances, by which it can be made to vary and increase its effect. This is impossible without a rigid observance of its laws. These are but few, but for that very reason they should be sacredly observed. There is no verse, which so imperiously

demands a strict conformity to the principles of its construction. Yet the impression with many writers seems to be, that the greatest latitude is allowable; that as the laws are few, they must be of small consequence; that having thrown off the fetters of rhyme, all others may be rejected also. But this is the best reason why all others should be retained. If the rhyme remains as a landmark, irregularities are of less importance, for they will be set right by the termination of the line. But there is no such redeeming power in blank verse; and an irregularity turns it to prose at once.

We believe it will be found true of the successful poets, that their success has been very much in proportion to the strictness of their fidelity to the laws of metre. We of course do not speak without exception, nor forget that genius will oftentimes 'snatch a grace beyond the reach of art.' But as a general remark, we hold it to be incontrovertible. Indeed, if it were otherwise, why not write in prose? We throw thoughts into verse, in order to aid the impression of the sentiment on the mind by the gratification of the ear. The ear then must be gratified. There must be a modulation, which it can detect and recognise. If not, the very object of writing in this mode is defeated. Burke once said, that 'blank verse seems to be verse only to the eye.' Now this is not true of good blank verse; it ought not to be true of any. Take the true poetry of Milton, Thomson, Cowper; let it be read aloud, and the ear will decipher it, and pronounce it to be verse, as unerringly as the eye. Burke must have merely intended to say a smart thing, without regard to truth, or else he had been accustomed to very bad readers, or was a bad reader himself, or had never paid attention to the laws of English prosody, or he wanted a discriminating ear. Could he detect no difference between the rhetorical rhythm of his own speeches, and the poetical rhythm of Milton? Could his ear perceive no difference between the prose and the verse of Shakspeare, as recited on the stage?

Yet many writers appear to have taken up this offhand saying of the eloquent statesman, as if it were an authorized canon of criticism; and seem to have endeavored after a construction of their lines, which should give as few hints as possible to the ear, of the class of composition to which their works belong. We regret to find Mr Percival encouraging this lax notion; and are persuaded, that he can never do full justice to his own fine powers, until he changes both his opinion and his practice.

ART. IV.—*Journal of a Tour around Hawaii, the largest of the Sandwich Islands.* By a Deputation from the Mission on those Islands. Boston. 1825. Crocker & Brewster. 12mo. pp. 264.

THE clusters of islands in the great Pacific ocean, comprising that portion of the earth's surface called in recent geography Polynesia, remained a hidden region of the globe till comparatively modern times. Almost nothing was known of the vast number of islands scattered in this remote hemisphere, till the discoveries of Cook, although a few of them had been visited by earlier navigators. Polynesia reaches from the Sandwich Islands on the north to New Zealand on the south, and from the coast of America to the Friendly Islands, embracing, together with these, the groups of the Society Islands, the Marquesas, and all the other islands, which fall within the space designated by these general outlines. This new geographical division of the earth extends, therefore, from north to south about five thousand miles, and from east to west nearly four thousand.

It was not merely for the technical convenience of classification, that geographers arranged all these islands under one name. Their actual and relative position might properly enough suggest such an arrangement; but there are other and stronger reasons founded in the physical conformation of the islands themselves, in the productions of the soil and effects of climate; and, above all, in the characteristic traits of the inhabitants, their social habitudes, customs, manners, modes of living, language, government, and religion. In all those particulars, which are considered as marking the broad features of the human constitution and character, the inhabitants of Polynesia exhibit a striking resemblance. Of no races or tribes of men can it be inferred with greater certainty, that they originated from a common stock. Considering how widely these people are dispersed, inhabiting countless numbers of islands, many of them several hundred miles asunder, and without any obvious means of intercommunication before their discovery by Europeans, and considering also the remarkable points of similarity between them all, it is obvious that their history and condition present a fruitful theme for curious inquiry and reflection. We aim not now, however, at so discursive an investigation; the matter before us relates exclusively to the Sandwich Islands, and that portion of the Polynesian family inhabiting them.



For some time after Cook visited these islands, where he was killed by the natives, he was universally considered as the first discoverer; but La Perouse has made it appear more than probable, that they were discovered by Gaetano, a Spanish navigator, as early as 1542. It is said that the use of iron was known among the natives, before they were visited by Cook, and as no iron is produced on any of the islands, it is hence inferred, that the natives must have had a previous intercourse with Europeans. To this argument it has been replied, that iron might have been obtained from the wrecks of vessels, which had doubtless from time to time floated to the shores. The testimony advanced by La Perouse, however, is of a historical nature, and amounts to a very high degree of probability. Be the fact as it may, it is quite certain, that the natives, when Cook found them, had no knowledge or tradition of a previous visit from any European, nor any tinge in their manners and opinions indicating an intercourse with foreigners.\*

The number of islands in this group is ten, of which eight are inhabited. The superficial contents of the whole are estimated at 5050 square miles. Hawaii, (Owhyhee,) is supposed to contain 4000 square miles, being thus four times greater in extent, than all the other islands, and nearly as large as the state of Connecticut. It is ninetyseven miles long, and seventyeight broad. The amount of population has been variously estimated; in Cook's time it was thought to be four hundred thousand on all the islands. The navigators, however, had no accurate means of calculation, and this is evidently a highly exaggerated estimate. It would be within bounds to fix it at half that number. Many causes have since concurred to produce a rapid decrease; monuments exist giving evidence of a more numerous population at a former period. The missionaries, who have attended a good deal to the subject, with the best opportunities for judging, do not place the present number, on all the islands, higher than one hundred and thirty thousand, of which eightyfive thousand, or two thirds of the whole, inhabit the island of Hawaii.

\* A general account of the discovery of the Sandwich Islands, and some remarks on the recent history of the people, may be found in a former number of this Journal. See Vol. III. for May, 1816, p. 42.—In an article on *New Zealand* are also contained many particulars, relating to the character and manners of the inhabitants of that country, their customs and government, which will apply with little variation to all the Polynesians. See *North American Review*, Vol. XVIII. No. 43, for April, 1824, p. 329.

As the Sandwich Islands afford a valuable article of commerce in sandal wood, and are favorably situated for supplying with provisions whale ships, and other vessels crossing the Pacific, they have been much more frequently visited by foreigners, than the other Polynesian groups. For several years past, indeed, factors and agents from England and the United States have resided there for mercantile purposes. This intercourse has naturally caused some advancement in the arts of civilization; new wants have been created, by an acquaintance with articles of convenience or luxury unknown before, and to supply these wants new incentives have been given to industry. It is melancholy to know, however, that the vices of civilization have made their way, in too many instances, more rapidly than its improvements or comforts; that indulgence in novel sources of gratification has unnerved the arm of enterprise; that the powerful, instead of being quickened to industry, have laid more oppressive burdens on the weak. This must perhaps always be the case under similar circumstances. Civilization is not the work of a day; nor is it an opinion, a theory, or consent of the mind; it is a habit, an acquired nature, the growth of years, wrought into the being and constitution of the human system, both intellectual and corporeal. A savage is not to be brought to this state at once; it has cost the education of a life in the civilized man, and it can hardly be done at less expense of time and care in the uncivilized. One of the great instruments of civilization is restraint; society itself, as well as the closer ties of private relationships, is held together by the system of restraints, to which every member subjects himself; restraints on appetites, feelings, wishes, conduct. We have learnt to do this by habit from infancy; education, a cultivated understanding, refined moral sense, the knowledge of a pure religion, and example, have contributed each its portion to confirm the habit, and make up the civilized man. Now the savage has all these appetites and propensities, without the habit of controlling them, or of resisting temptation; and without the moral light and culture, that enable him to discern their pernicious tendency, and reflect on the consequences of indulgence. Nature manages the matter very well, while it is wholly in her charge; she teaches the savage to be contented with his narrow comforts, and confine his wants to the means of supply, which his rude skill in the arts of life has compassed. But when civilization has poured out before him her accumulated stores, tempted him with novelty, and

pampered him with the promise of new gratifications, he is no longer under the pupilage of nature ; he becomes a civilized man to the utmost of his power ; that is, he gives way to all the excesses of civilized life, in which he needs no instructors but his appetites, and possesses none of the virtues, principles, and habits, which are the balancing weights in the character of the civilized man, but which are only to be acquired by a long train of discipline. Hence it is, that the Sandwich Islanders were not for a time in the way of the best influences of civilization ; they were visited by seamen, or traffickers, whose example was not a shining light, and whose business and interest it was to furnish the natives with such articles as they most craved, and for which there was the quickest demand.

Such was the condition of the Sandwich Islanders from the time of their discovery by Cook, till very recently ; but we are happy to state, that a salutary change is now taking place, and that prospects of improvement among them are in a high degree encouraging. In April of the year 1820, a body of Missionaries from this country arrived at Hawaii, and were favorably received by the king.\* Being divided into small parties, they were stationed on different islands, and from that period have been laboring with great zeal and selfdevotedness to advance the intellectual, moral, and religious culture of the natives. Schools have been established, houses for stated religious worship erected, a printing press put in operation, and books published in the Hawaiian dialect ; many of the natives have already been taught reading, writing, and the elementary principles of a refined education. This is taking the true ground ; it is opening a way gradually to the hearts and understanding of the people ; it is scattering seed in the minds of the rising generation, which will hereafter spring up, and flourish, and produce fruit.

The arrival of the Missionaries among the Sandwich Islanders, we hold to be an important era in the history of that people. Certain political events had then recently occurred, favorable to the objects of the Missionaries, which it is here proper to recount ; and in doing this, we shall glance briefly at the character

\* The first Mission embarked from this country on the 23d of October, 1819. It consisted of seven men and their wives. Messrs Bingham and Thurston were clergymen ; Mr Chamberlain, farmer ; Dr Holman, physician ; Mr Whitney, teacher and mechanic ; Mr Ruggles, teacher ; Mr Loomis, printer. Three natives, Honooree, Hopoo, and Tennooe, who had been educated in this country, also returned with the Mission.

of the great king Tamehameha, and the government established by him. This personage stands out in bold relief on the prominent lists of men, who, by their talents, have acquired an unbounded dominion over others, and by their conquests and good fortune have made themselves objects of the gaze and wonder of the world. Tamehameha was the Gengis Khan, or Bonaparte, of Polynesia. He conquered till there was nothing more to conquer, and he ruled absolute to the end of his life. In former times the Sandwich Islands were governed by chiefs independent of each other. The right of government was hereditary in the principal chiefs; subordinate governors ruled under them; and in some cases the authority of a chief extended beyond his island. Hawaii was divided into several districts, over each of which a chief presided, and although these chiefs possessed different degrees of authority and power, it does not appear, that either of them acknowledged a permanent dependence on any of the others. Wars were constant, but rather for predatory purposes, than for conquest, or the extension of territory.

The author of the Tour around Hawaii visited a place called Halaua, on the north eastern extremity of the island, which is understood to have been the birthplace of Tamehameha. His original possessions consisted of lands inherited from his ancestors at Halaua, and a small tract on another part of the island in the district of Kona. He lived in the place of his birth till he was grown to the age of manhood, and tradition records many extraordinary incidents in his youthful years, and points to the yet remaining monuments of his early enterprise and prowess. Nature endowed him with an active and vigorous mind, and the happy faculty of winning the esteem, and commanding the respect of his companions, in such a manner as to impress them with a sense of his superiority, and make them his willing followers, and the zealous abettors of his designs. He was fond of athletic exercises and warlike amusements, of planning and executing difficult undertakings. He dug wells, and excavated passages through rocks, for a more easy access to the seashore. One of his accomplishments was agriculture; he cultivated a field of potatoes and other vegetables with his own hands; it is still shown to the traveller, and called by his name; other fields were in like manner cultivated by his companions, who followed his example; he planted groves, which are now standing. But nothing was more remarkable in his character, than the strict and profound worship, which he rendered to his

god Tairi ; this god he supposed to have great power, and to require his most devoted service.

The history of the first part of the political life of Tamehameha, has not yet been brought to light. What motives, other than the promptings of his restless and ambitious spirit, first induced him to wage war, and then to continue it till he had acquired universal dominion, we have no means of explaining. It is known, however, that a great battle was fought in the year 1780, on the plains of Mokuohai, near the place where Captain Cook was killed, which lasted seven or eight days, and was contested with great obstinacy on both sides, till at length Tamehameha succeeded in killing the king, routing his party, and securing a complete victory. Prodigies of valor are said to have been exhibited in that battle ; Tamehameha's god Tairi was elevated on the field, and surrounded by its priests ; with this image before their eyes Tamehameha, his sisters, and friends fought with desperate bravery, and undaunted confidence. This battle decided the destiny of Hawaii ; from that day the old dynasty of kings was at an end, and Tamehameha was the sole monarch of the country. In due time the other islands submitted to his authority, and he reigned king of all the Sandwich Islands till the time of his death, a period of nearly forty years. The fact of his reigning so long over such a people, is a proof not less of his prudence and wisdom, than his surprising ascendancy to power is of his talents and valor.

When the vessel, which took out the Missionaries, approached Hawaii, the first intelligence that came from the shore was the death of Tamehameha. He had died the year before, in 1819, and was succeeded by his son Rihoriho. It was further added, that idol worship was abolished by the new king, the idols ordered to be destroyed, the old *tabu* system broken up, and, in short, that the ancient religion of Hawaii was abrogated by a royal mandate. All this, incredible as it was, proved to be true ; and in Rihoriho we have the phenomenon of a savage prince, strictly educated in the most superstitious rites, not only deserting the religion of his ancestors, but using his power to abolish it. This is the more remarkable, as one of the last injunctions of Tamehameha was, that his son should cling to the religion of his fathers, and render due homage to those gods, who had so long been the protectors of his family and the nation. Rihoriho heeded not this admonition, for he was hardly clothed with the regal authority, before he ordered the idols to be destroyed, the

temples pulled down, and the priesthood dissolved. So violent a measure could not fail to be met with opposition, and some of his revolting subjects took up arms in defence of their gods, and assembled in battle against the forces of the king. They were overcome and put to flight, however, after a severe and bloody conflict, and they at length capitulated and yielded to the king's decree. Rihoriho was successful in putting down the insurrection, and, what was more surprising, in suddenly bringing the great mass of the people into his own views; and the old idolatry received a shock, from which it had no power to recover. His most important ministers and friends favored his designs, and when his mother, Keopuolani, was consulted on the subject, she said to the messengers; 'You speak very properly, our gods have done us no good, they are cruel, let the king's wish and yours be gratified.' It does not appear, that any harsh means were resorted to in carrying this decree into effect, nor that devotees were disturbed in their old modes of worship; toleration was allowed, but the example of the king and chiefs was more effectual, than any code of penal laws. The idols were tumbled down, and treated as senseless stocks and stones. Priests and priestesses, sorcerers and fanatics, the usual instruments of a gross superstition, still remain and practise upon the fears of the people. These artifices will have their effect for a time, but a single glimpse of light from a better system will scatter such delusions, when the mind has once escaped from the dark bondage of a wretched idolatry, and will prepare the way for a reception of rational ideas.

The causes of so astonishing a change in that most deeply rooted of all intellectual habits, the religion of a people, cannot perhaps be fully ascertained, without a better knowledge of the history of the times, than has yet come to us. A few of them, however, are obvious. They grew necessarily out of the frequent intercourse of the natives with foreigners, and the notions imbibed by some of the more intelligent among them, respecting the customs of other countries. The old idolatry was a most oppressive burden; it harassed the mind with incessant fears of the anger and destroying power of the deities; it exacted practices not more absurd, than cruel and subversive of the order and happiness of society; it even demanded human sacrifices. The *tabu* system, so universal throughout all the Polynesian islands, is the most terrible instrument of human tyranny, which has ever been known; no other parts of the

world, no other stages of society, have exhibited anything like it, whether regarded in the nature of a political or religious engine, and whether as operating on the opinions, the fears, or the conduct of the people. On a former occasion we have explained the nature, and looked into the causes, of this extraordinary institution.\* The following is an account of its operation at the Sandwich Islands.

‘ During the existence of the *tabu*, or days of prohibition, no person except a chief, or priest, must presume to eat a cocoa nut; no female must eat pork; males and females must never eat with each other, or even from the same dish; and if by any means a man was found upon a tree, or on the mast of a vessel, or in any other place over the king’s head, his life was forfeited to the gods. The same was the case with a man who by accident placed his hand over the king’s head.

‘ Besides the *tabu* above described, which were perpetual, there were others embracing certain days in the year, when no fishing canoe must be seen in the water, nor any man out of his house. At this time also the priests, taking some image with them, usually went from island to island collecting the taxes for the gods. The penalty for breaking *tabu* was death.

‘ When a sacrifice was wanted, and no criminal could be found, they imposed a new *tabu* of such a nature as to present a strong temptation to some person or persons to break it; perhaps it was laid secretly, and then whoever should be so unfortunate as to break it, was immediately seized, by persons on the watch, and hurried away to the altar.

‘ A foreign resident has told us, that on one of these days of restriction, he saw a canoe sailing out in front of several houses, and upset by the surf. One of the men afterwards appeared to be drowning. An old man of tender feelings sprang from his house to save the sinking man. In an instant he was seized by the servants of the priests, carried to the adjacent temple, and there sacrificed. In the mean time, the man apparently drowning jumped into his canoe, and rowed away.’ *Life of Keopoulani*, p. 15.

These are the outlines only of the system; it descended into the particulars of daily intercourse, and made every individual more or less wretched with fears of imaginary evil, or with actual privation and suffering. This drove them to the worship

\* See North American Review, No. 43, for April, 1824. Vol. xviii. p. 350.

of imaginary gods, to ceremonies and sacrifices, to the construction of images and temples, and to the reverence and support of a deluded priesthood. The entire scheme was a burden hard to be borne, imposing a severe task upon the people, exhausting their means for a useless purpose, forbidding many innocent enjoyments, and perpetually doing violence to some of the strongest sympathies of the human heart. Now it could not escape the more intelligent of the natives, that the foreigners among them were a superior race to themselves; that they followed their own inclinations and were prosperous in their affairs, and yet gave no heed to the gods of Hawaii, had no apprehensions of their anger or influence, and despised alike their power and their worship. This was an argument that a savage could understand; it came down to his senses, feelings, interests, and it had its effect. It worked its way insensibly, and when the young prince Rihorihō came to the throne, he was prepared to act from the convictions it had produced. That the stubborn nature of Tamehameha should have resisted its appeals is natural enough; his was not a mind to be moved by accidents, or from which strong impressions were easily to be eradicated; from his infancy he had revered the religion of his country; to his god Tairi he ascribed his successes; he had reigned forty years protected by the gods of his native island, and it was not for him to desert the religion of his fathers, or believe that a better existed in the world. The young king's principal advisers, however, were on his side. Karaimoku, his prime minister, and the most remarkable man probably, after Tamehameha, whom the Sandwich Islands have produced, was forward in promoting the measure. He acted as general of the king's forces in quelling the rebellion. And we have seen that the king's mother, also an important personage, readily consented, on the ground that the gods were cruel, and 'had done no good.' Thus was the revolution accomplished, and idolatry abolished by the government. It is supposed, moreover, that the chiefs were influenced by the intelligence repeatedly received, respecting the changes introduced by Pomare, king of the Society Islands, in consequence of the long residence of the English Missionaries in his dominions.

But without looking farther for causes, it is enough to know, that such was the extraordinary state of things, when the Missionaries from the United States arrived at Hawaii. However it was brought about, the event was auspicious for them, and the



hand of Providence seems to have prepared the field for their labors. When they applied for permission to settle on the different islands, as religious teachers, some of the chiefs were opposed to the plan, but it met with the full approbation of Karaimoku, and the king's mother. The king finally said, 'Let them remain a year, and we shall know what to do.' The year passed away, the Missionaries gained in favor, and from that time to this they have been pursuing their labors with zeal and fortitude, and with a success adequate, we believe, to their most sanguine expectations.

It was deemed a fortunate circumstance, that the Rev. William Ellis, an English Missionary, who had resided six years at the Society Islands, joined our Missionaries in the beginning of the year 1822. This gentleman had made himself master of the Tahitian dialect, which so closely resembles the Hawaiian, that he was able to converse with the natives, and in a short time to speak to them in public. His services at that time were of great importance, in assisting the Missionaries in constructing a grammar of the language, and in preparing elementary books suited to the instruction of the natives. His experience, also, made him a most useful counsellor, and enabled him to apply the means of instruction and influence with more effect, than those who had but recently begun the work. The American Missionaries uniformly speak with marked respect and kindness of this gentleman; and those who knew him while in this country during the past year, will respond a not less cordial testimony to his worth, his amiable character, and his sincere devotedness to the cause in which he was engaged.\*

As the Missionaries received an accession to their numbers from the United States, in April, 1823, it was thought expedient to extend the sphere of their operations. With this view a Deputation was appointed to explore the island of Hawaii, to ascertain the best places for missionary stations. The gentlemen appointed

\* An account of the doings of the Missionaries in the Sandwich Islands, may be found in the successive numbers of the *Missionary Herald*, beginning with the seventeenth volume, and coming down to the present time. Other particulars are also contained in an interesting little tract, entitled a *Memoir of Keopuolani, late Queen of the Sandwich Islands*, written on the spot by one of the Missionaries. This queen exhibits a remarkable instance of the power of instruction on a strong mind, grown up to maturity in ignorance and superstition. She was the wife of Tamehameha, mother of Rihoriho, the late king, and also of Kauikeouli, the young heir apparent, now ten years old.

for this duty were William Ellis, Asa Thurston, Charles S. Stewart, Artemas Bishop, and Joseph Goodrich. The little volume before us is the result of their observations during the tour, drawn up by Mr Ellis from his own minutes, and such as were kept by his companions. The journal is prefaced by a short, summary Report of the Deputation, and in the Appendix are contained several particulars illustrative of the journal, collected and arranged by the assistant secretary of the Board of Foreign Missions. In addition to the points bearing immediately on the main object of the travellers, they have succeeded in gathering many facts curious in themselves, and throwing light on the geography and natural history of the island, as well as on the customs, traditions, agriculture, and modes of living of the inhabitants.

The tour was begun at Kairua, a village on the western side of the island, and the residence of Kuakini, the principal chief of Hawaii. They proceeded along the coast to the south, east, and north, till they had encompassed the island, having occupied in their ramblings a little more than two months. They made frequent excursions inland, visited the principal villages, conversed with the people, preached to them on proper occasions, and collected such information, as in the most satisfactory manner to answer the ends of the mission. A guide was furnished them, called Makoa, a personage of a somewhat remarkable appearance and character, to judge from his picture, and the description of him in the book. But he was faithful to his duty, and the travellers were hospitably received and civilly treated wherever they went.

Six days after the departure of the Deputation from Kairua, they came to Kearakékua bay, the scene of the fatal tragedy, which ended the life of the great English navigator. The facts here reported add something to the former stock of knowledge, and comprise everything, probably, which can be gathered from the natives on the subject.

‘About sunset Mr Goodrich ascended a neighboring height, and visited the spot where the body of the unfortunate Captain Cook was cut to pieces, and the flesh, separated from the bones, was burnt. It is a small inclosure about fifteen feet square, surrounded by a wall five feet high. Within is a kind of hearth about eighteen inches high, encircled by a row of rude stones. Here the fire was kindled on the above mentioned occasion. The place is still strewed with charcoal.’ p. 33.

‘Some of us climbed the rocks, and visited the cave where the body of Captain Cook was deposited, on being first taken from the beach.

‘There are a number of persons at this and other places in the islands, who were either present themselves at the unhappy dispute, which in this village caused the death of the celebrated Captain Cook, or who, by their connexion with those who were, are intimately acquainted with the particulars of that melancholy event. With many of them we have frequently conversed, and though their narratives differ in some smaller points, yet they all agree in the main facts published by Captain King, his successor.

‘The foreigner, they say, was not to blame; for, in the first instance, our people stole his boat, and he designed to take our king on board and detain him till it should be returned. Captain Cook and Teraïopu were walking together towards the shore, when our people thronged round the king, and objected to his going any farther. While he was hesitating, a man, running from the other side of the bay, entered the crowd almost breathless, and exclaimed, “It is war! The foreigners have commenced hostilities, have fired on a canoe from one of their boats, and killed a chief.” This enraged some of our people, and alarmed the chiefs, as they feared he would kill the king. The people armed themselves with stones, clubs, and spears. Kanona entreated her husband not to go. All the chiefs did the same. The king sat down. The foreigner seemed agitated, and started for his boat. Then one of our men attacked him with a spear, but he turned, and, with his double barrellled gun, shot the man who struck him. Some of our people then threw stones at him, which being seen by his men, they fired on us. Captain Cook turned, and tried to stop his men from firing, but he could not on account of the noise. He was turning again to speak to us, when he was stabbed in his back with a *pahoa*. A spear was at that same instant driven through his body. He fell into the water and spake no more. After he was dead we all wailed. His bones were separated, and the flesh scraped off and burnt; as was the practice in regard to our own chiefs when they died. We thought he was our god *Rono*, worshipped him as such, and revered his bones.

‘Several of the chiefs frequently express the sorrow they feel whenever they think of him, and the people, generally, speak of these facts with much apparent regret. Yet they free the king from all blame, as nothing was done by his orders.

‘It has been supposed, that the circumstance of his bones being separated, and the flesh taken off, was evidence of the most savage and unrelenting barbarity; but so far from this, it was the highest respect they could show him, as will be seen more fully hereafter.

We may also mention here, the ground on which Captain Cook received the worship of a god. Among the kings, who governed Hawaii, during what may, in its chronology, be called the fabulous age, was *Rono*, or *Crono*. On some accounts he became offended with his wife, and slew her. After this, he lamented so much, that he fell into a state of derangement, and in this state travelled through all the islands, boxing with every one he met. He then set off in a canoe for a foreign country. After his departure, he was deified by his countrymen, and annual boxing and wrestling games were instituted in his honor. As soon as Captain Cook arrived, it was supposed and reported, that the god *Rono*, had returned. Hence, the people prostrated their deities before him, as he walked through the villages. But when, in the attack made upon him, they saw his blood running, and heard his groans, they said, "No, this is not *Rono*." Some, however, even after his death, supposed him to be *Rono*, and expected he would appear again. After the departure of the vessels, some of his bones, his ribs, and breast bone, as part of *Rono*, were considered sacred, and deposited in a heiau, or temple, belonging to *Rono*, on the opposite side of the island, where religious homage was paid to them, and from which they were annually carried in procession to several other heiaus, or borne by the priests round the island to collect the offerings of the people to the god *Rono*. The bones were preserved in a small basket of wicker work, completely covered over with red feathers. These last, in those days, were the most valuable articles the natives possessed, generally rendered sacred, and considered a necessary appendage to every idol, and almost to every object of religious homage, through the islands of the Pacific. They were supposed to add much to the power and influence of the idol, or relic, to which they were attached.

'The missionaries in the Society Islands had, by means of some Sandwich Islanders, been many years acquainted with the circumstance of some of Captain Cook's bones being preserved in one of their temples, and receiving religious worship, and, ever since the arrival of Mr Ellis, in company with the Deputation, in 1822, every endeavor has been made to learn, whether they were still in existence, and where they were kept. All those, of whom inquiry has been made, have uniformly asserted, that they were formerly kept by some of the friends of *Rono*, and worshipped, but have never given any satisfactory information, as to where they now are. Whenever we have asked the king, or *Kevaheva*, the chief priest, or any of the chiefs, they have either told us they were under the care of those, who had themselves told us they knew nothing about them, or that they were now lost.

‘After the investigation, that has been made, we have no doubt, but that part of Captain Cook’s bones were preserved by the priests, and were considered sacred by the people, probably till the abolition of idolatry in 1819. At that period, most likely they were committed to the secret care of some chief, or deposited by the priests, who had charge of them, in some cave unknown to all besides themselves. The manner in which they were then disposed of, will probably remain a secret, except to the parties immediately concerned. The priests and chiefs always appear unwilling to enter into conversation on the subject, and seem to wish to avoid renewing the recollection of the unhappy circumstance.’ pp. 74–77.

The travellers frequently met with the remains of ancient *heiaus*, or idol temples, some of which appeared in a condition nearly as perfect as when used, and they were all regarded by the natives with a kind of awe, although the sacrifices and worship had ceased. The following description will give an idea of the form of these structures, although some of them are of greater dimensions. This *heiau* is called Bukohola.

‘It stands on an eminence in the southern part of the district, was built by Tamehameha, about thirty years ago, when he was engaged in conquering Hawaii and the rest of the Sandwich Islands. He had subdued Maui, Ranai, and Morokai, and was preparing from the latter to invade Oahu, but in consequence of a rebellion in the south and east parts of Hawaii, was obliged to return thither. When he had overcome those who had rebelled, he finished the *heiau*, dedicated it to his god of war, and then proceeded to the conquest of Oahu. Its shape is an irregular parallelogram, two hundred and twentyfour feet long and one hundred wide. The walls, though built of loose stones, were solid and compact. On the side next the mountains, they were twenty feet high, and six broad on the top, but nearly double that breadth at the bottom. The walls next the sea were not more than seven or eight feet high, and proportionably wide. The upper terrace within the area was spacious, and much better finished than the lower ones. It was paved with various kinds of flat, smooth stones, brought from a considerable distance. At the south end was a kind of inner court, where the principal idol used to be kept, surrounded by a number of images of inferior deities. In the centre of this inner court was the place where the *anu* was erected, which was a lofty frame of wicker work, in shape something like an obelisk, within which the priest stood as the organ of communication from the god, whenever the king came to inquire his will in any matter of importance. On the outside, just at the entrance of it, was the

place of the *rere*, (altar,) on which human and other sacrifices were offered. The remains of one of the pillars that supported it, were pointed out by the natives, and the pavement around was strewn with bones of men and animals, the mouldering relics of those numerous offerings once presented there. About the centre of the terrace was the spot where the king's sacred house stood, in which he resided during the season of strict tabu, and at the north end, the place which the priests' houses occupied, who, with the exception of the king, were the only persons permitted to dwell within the sacred enclosure. Holes were seen on the walls, all around this, as well as the lower terraces, where wooden idols of varied size and form formerly stood, casting their hideous stare in every direction. Tairi, or Kukairimoku, the favorite war god of Tamehameha, was the principal idol. To him the heiau was dedicated, and for his occasional residence it was built. On the day in which he was brought within its precincts, vast offerings of fruit, hogs, and dogs, were presented, and no less than eleven human victims immolated on its altars. And although the huge pile resembles a dismantled fortress, whose frown no longer strikes terror through the surrounding country, yet it is impossible to walk over such a golgotha, or contemplate a spot which must often have resembled a pandemonium, more than any thing on earth, without a strong feeling of horror at the recollection of the bloody and infernal rites frequently practised within its walls. pp. 51—53.

Among the most extraordinary phenomena on the island of Hawaii, is the great crater of Kirauea, situate about twenty miles from the seashore in the interior. It is thus described in the journal.

‘Immediately before us yawned an immense gulf, in the form of a crescent, upwards of two miles in length, about a mile across, and apparently eight hundred feet deep. The bottom was filled with lava, and the south west and northern parts of it were one vast flood of liquid fire, in a state of terrific ebullition, rolling to and fro its “fiery surge” and flaming billows. Fiftyone craters, of varied form and size, rose, like so many conical islands, from the surface of the burning lake. Twentytwo constantly emitted columns of grey smoke, or pyramids of brilliant flame, and many of them, at the same time, vomited from their ignited mouths streams of florid lava, which rolled in blazing torrents, down their black indented sides, into the boiling mass below.

‘The sides of the gulf before us, were perpendicular, for about four hundred feet; when there was a wide, horizontal ledge of

solid black lava, of irregular breadth, but extending completely round. Beneath this black ledge, the sides sloped towards the centre, which was, as nearly as we could judge, three hundred or four hundred feet lower. It was evident, that the crater had been recently filled with liquid lava up to this black ledge, and had, by some subterranean canal, emptied itself into the sea, or inundated the low land on the shore. The grey, and, in some places apparently calcined, sides of the great crater before us; the fissures, which intersected the surface of the plain, on which we were standing, the long banks of sulphur, on the opposite side; the numerous columns of vapor and smoke, that rose at the north and south end of the plain, together with the ridge of steep rocks, by which it was surrounded, rising probably, in some places, four hundred feet in perpendicular height, presented an immense volcanic panorama, the effect of which was greatly augmented by the constant roaring of the vast furnaces below.' pp. 130—131.

'Between nine and ten, the dark clouds and heavy fog, that, since the setting of the sun, had hung over the volcano, gradually cleared away, and the fires of Kirauea, darting their fierce light athwart the midnight gloom, unfolded a sight terrible and sublime beyond all we had yet seen.

'The agitated mass of liquid lava, like a flood of melted metal, raged with tumultuous whirl. The lively flame that danced over its undulating surface, tinged with sulphureous blue, or glowing with mineral red, cast a broad glare of dazzling light on the indented sides of the insulated craters, whose bellowing mouths, amidst rising flames, and eddying streams of fire, shot up, at frequent intervals, with loud detonations; spherical masses of fusing lava, or bright ignited stones.

'The dark, bold outline of the perpendicular and jutting rocks around, formed a striking contrast with the luminous lake below, whose vivid rays, thrown on the rugged promontories, and reflected by the overhanging clouds, combined to complete the awful grandeur of the imposing scene.' p. 136.

It is a striking feature of this volcano, that it does not spring out of a mountain, or hill, as is the case we believe in all other parts of the world, but is seated in a comparatively plain country, or rather at the base of the stupendous mountain Mouna Roa. It never overflows its margin, like other volcanoes, but the lava seeks a subterraneous passage, bursting out occasionally at a distance from the crater, and finding its way to the lower country, and even to the sea. The dimensions of this enormous gulf have been more accurately ascertained by Mr Goodrich and

Mr Chamberlain, who have made a recent visit to it. By actual measurement they found the upper edge of the crater to be seven and a half miles in circumference; and at the depth of five hundred feet, they satisfied themselves that its circumference was at least five and a half miles. They judged the depth to be one thousand feet.

Another crater of less size, not far distant from the great one, was seen by the Deputation, and with their glasses they could perceive several extinguished craters on the sides of Mouna Roa. The whole region is volcanic, and the lava in numerous places exhibits itself in most fantastic shapes, rising into cliffs, forming caverns, and presenting a precipitous, rugged, and variegated surface all along the coast. No primitive formations seem yet to have been found on this island, nor any one of the group, and it is more than probable that all these islands have in former ages been raised from the sea by internal convulsions of nature, and that the great mountains have been gradually formed by the accumulated products of volcanic eruptions, which have now ceased to exist, except in the craters above described, which serve as vents to the yet active, but subsiding furnace beneath. The natives speak of earthquakes, and relate fearful traditions of the vengeance of the gods thus exercised. The soil consists of decomposed lava. The height of Mouna Roa has never been accurately measured, but variously estimated from sixteen to eighteen thousand feet, being thus one or two thousand feet higher than Mont Blanc, and five or six thousand higher than the Peak of Teneriffe. Mouna Kea, another mountain in the north east part of the island, is nearly as high as Mouna Roa.

It is not surprising, that such an exhibition of unknown power, as the volcano of Kerauea, should fill the natives with dread, and minister food to their superstitions. *Pele* is the all powerful goddess of volcanoes, and nothing can exceed the terror with which this imaginary being inspires the minds of the inhabitants. It is a rare thing, indeed, for them to visit the great crater, and the Missionaries were admonished on all hands to beware of so dangerous an experiment, as that of approaching this dwelling-place of *Pele*, and her ministering deities, and thus foolishly hazarding their lives to gratify an unhallowed curiosity. Their guide Makoa, who was sufficiently philosophical and resolute on most occasions, lost all his fortitude here, and utterly refused to accompany them on so perilous an adventure. And even the



natives, whom they persuaded to go with them, were in perpetual alarm, lest Pele should come forth in her anger and consume them. On the borders of the crater they passed the night recounting her wonderful achievements, and those of her attendant deities. 'The conical craters,' they said, 'were their houses, where they frequently amused themselves by playing at *konane*; the roaring of the furnaces, and the crackling of the flames, were the *kani* of their *hura*, the music of their dance; and the red flaming surge was the surf wherein they played, sportively swimming on the rolling wave.' They repeated with minuteness of detail, and consistency of parts, several traditions of the prowess and marvellous doings of Pele; and although no one affirmed that he saw the goddess in her volcanic abode, yet no one doubted she was there, armed with all the attributes, with which their imaginations had invested her.

To show the power of this superstition over the minds of the people, we quote the following account of a singular interview between the travellers and Oani, a priestess of Pele. Mr Ellis had been preaching to a congregation assembled for the purpose, and when he had closed and was about departing,

'An old woman, who, during the discourse, sat near the speaker, and had listened very attentively, all at once exclaimed, "Powerful are the gods of Hawaii, and great is Pele, the goddess of Hawaii; she shall save Maaro," (the sick chief who was present.) Another began to *cantilate* a song in praise of Pele, to which the people generally listened, though some began to laugh. We supposed they were intoxicated, and therefore took no notice of them. But on our leaving the house, some of our people told us they were not *ona i ka ruma*, (drunk with the rum,) but inspired by the *akua*, goddess of the volcano; or that one of them was Pele herself in the form of one of her priestesses. On hearing this, Mr Ellis turned back into the house, and when the song was ended, immediately entered into conversation with the principal one, by asking her, if she had attended to the discourse, that had been delivered there. She answered that she had listened, and understood it. Mr Ellis then asked, if she thought Jehovah was good, and those happy, who made him their God. She answered, "He is your good God, (or best God,) and it is right that you should worship him; but Pele is my god, and the great god of Hawaii. Kirauea is the place of her abode. Ohiaotelani, (the northern peak of the volcano,) is one corner of her house. From the land beyond the sky, in former times, she came." She then went on with a song which she had thus began, giving a long account of

the deeds and honors of Pele. This she pronounced in such a rapid and vociferous manner, accompanied by such violent gestures, that only here and there a word could be understood. Indeed, towards the close, she seemed to lose all command of herself. When she had finished, Mr Ellis told her she was mistaken in supposing any supernatural being resided in the volcano; that Pele was a creature of their own invention, and existed only in the imaginations of her *kahu*, or devotees; adding, that volcanoes, and all their accompanying phenomena, were under the powerful control of Jehovah, who, though uncreated himself, was the Creator and supporter of heaven and earth, and every thing she beheld. She replied, that it was not so. She did not dispute that Jehovah was a God, but that he was not the only God. Pele was a god, and dwelt in her, and through her would heal the sick chief then present. She wished him restored, and therefore came to visit him.' pp. 176, 177.

Again,

'Assuming a haughty air, she said, "I am Pele, I shall never die. And those who follow me, when they die, if part of their bones be taken to Kirauea, will live with me in the bright fires there." Mr Ellis said, "Are you Pele?" She replied, "Yes;" and was proceeding to state her powers &c. when Makoa, who had till now stood silent, interrupted her, and said, "It is true, you are Pele, or some of Pele's party. And it is you that have destroyed the king's land, devoured his people, and spoiled the fishing grounds. Ever since you came to the island, you have been busied in mischief. You spoiled the greater part of the island, shook it to pieces, or cursed it with barrenness by inundating it with lava. You never did it any good. And if I were the king, I would either throw you all into the sea, or banish you from the islands. Hawaii would be quiet, if you were away."

'This was rather unexpected, and seemed to surprise several of the company. However, the pretended Pele said, "Formerly we did overflow some of the land; but it was only the land of those who were rebels, or were very wicked people. Now we abide quietly in Kirauea." She then added, "It cannot be said, that in these days we destroy the king's people." She then mentioned the names of several chiefs, and asked, "Who destroyed these? Not Pele; but the rum of the foreigners, whose God you are so fond of. Their diseases and their rum have destroyed more of the king's men, than all the volcanoes on the island." Mr Ellis told her he was very sorry that their intercourse with foreigners should have introduced among them diseases, to which

they were strangers before, and that he hoped they would also receive the advantages of Christian instruction and civilization, which the benevolent in those countries, by which they had been injured, were now so anxious to impart.' pp. 178, 179.

One more extract shall suffice. It exhibits strong traits of character, and presents a strange contrast to others already alluded to, which might be dwelt upon much more at large. The scene here described would be creditable to the human heart in any state of society; it is the voice of nature calling up her better feelings, and breathing soft tones, that have power to melt the hardened soul even of a savage. Nature is everywhere true to herself, and her original impulses; the only mystery is, that, with such unchanging firmness in some of her characteristics, she should in others be so willing a slave to habit and the force of circumstances.

'We approached Kaimu. This was the birthplace of Mauae, and the residence of most of his relations. He was a young man belonging to the governor, who had been sent with the canoe, and since leaving Honuapo, had acted as our guide. He walked before us as we entered the village. The old people from the houses welcomed him as he passed along, and numbers of the young men and women came out to meet him, saluted him by touching noses, and wept for joy at his arrival. Some took off his hat, and crowned him with a garland of flowers; others hung round his neck wreaths of a sweet scented plant, resembling ivy, or necklaces composed of the nut of the fragrant pandanus. When we reached the house where his sister lived, she ran to meet him, threw her arms around his neck, and having affectionately embraced him, walked hand in hand with him through the village. Multitudes of young people and children followed, chanting his name, the names of his parents, the place and circumstances of his birth, and the most remarkable events in the history of his family, in a lively song, which he afterwards informed us, was composed at his birth.

'Thus we passed along till we reached his father's house, where a general effusion of affection and joy presented itself, which it was impossible to witness without delight. A number of children, who ran on before, had announced his approach. His father, followed by his brothers and several other relations, came out and met him, and under the shade of a wide spreading kou tree, fell on his neck and wept aloud for some minutes, after which they took him by the hand, and led him through a neat little garden into the house. He seated himself on a mat on the

floor, while his brothers and sisters gathered round him. Some unloosed his sandals and rubbed his limbs; others clasped his hand, frequently saluting it by touching it with their noses; others brought him a calabash of water, or a lighted tobacco pipe. One of his sisters, in particular, seemed considerably affected. She clasped his hand, and sat for some time weeping by his side. At this we should have been surprised, had we not known it to be the usual manner among the South Sea islanders of expressing unusual joy or grief. In the present instance, it was the unrestrained expression of the feelings of nature. Indeed every one seemed at a loss how to manifest the sincere pleasure, which his unexpected arrival after several years absence had produced. On first reaching the house, we had thrown ourselves down on a mat, and remained silent spectators, not however without being considerably affected by the interesting scene.' pp. 155, 156.

Having accomplished the objects of their tour, the members of the deputation returned to their several posts. They recommended eight stations on the island of Hawaii, as suitable for the residence of Missionaries. Three of these have since been occupied, namely, Kairua, Kearakekua, Waiakea, the last of which is on the north eastern part of the island, and has a good harbor. Kuakini, the governor of Hawaii, known more commonly by the name of *John Adams*, is friendly to the Missionaries, has built a house for public worship at his capital, Kairua, and encourages their schools. Indeed, no opposition seems now to exist, on the part of the leading chiefs of the islands, and the ultimate and entire success of the Missionaries is not to be doubted.

A great obstacle to their first efforts, ignorance of the language, is conquered. They can now converse with the natives in their own tongue; they have formed the Hawaiian dialect into a written language; books are published suited to the primary instruction of the people, many of whom have learnt not only to read printed books, but to hold correspondence with each other and with the Missionaries in writing. This result alone, if nothing more had been done, would be an incalculable benefit to the Sandwich Islands, and a most important step towards the ultimate civilization of the inhabitants. But to this is to be added the moral and religious effects of the direct labors, and the example of the Missionaries.

In settling the orthography of the Hawaiian dialect, the alphabet was adopted, which had been recommended by Mr Picker-

ing, in regard to the Indian languages of this country.\* It answered the end proposed, and when applied to the Hawaiian, it was found to correspond very nearly with the system before pursued, in the dialects of the Society Islands, and New Zealand. We may here take occasion to remark, that five principal dialects of the Polynesian tongue have been discovered, namely, the Hawaiian; the Tahitian, which prevails at the Society Islands; the Marquesan; that of New Zealand; and the Tongatabuan, or that of the Friendly Islands. This is stated in the preface to the Tahitian Grammar, published at Tahiti in 1823, and drawn up by persons, some of whom have been more than twenty years engaged in the missionary service in the islands of the South Sea. It is supposed, that all the dialects of the smaller islands are closely allied to one or another of these. The demonstration is complete, that these five dialects are radically the same language, and hence the importance of adopting at the outset a uniform system of orthography. With such a system, the inhabitants of the different islands, although living several thousand miles asunder, will be able to read, almost without the labor of study, the books written in all the dialects. The importance of constructing a written language on such principles, as will render it intelligible to all the Polynesians, will be forcibly felt, if we look forward to the time, for such a time will come, when the joyful sun of civilization and Christianity shall shine on these wide spread regions; when culture shall have matured the mind and made it an intelligent, acting principle; when men shall inquire, reason, judge, and books be written on art, science, morals, religion, government; when education shall wake the soul to a new life of energy and thought; and when fancy shall weave her magic woof of taste and poetry, and scatter her soft influences in the circles of social life. Let this period arrive, for, we repeat, it will arrive, and the advantages of a written language, constructed after a uniform system of orthography, will be incalculable, not only in affording facilities for reading, but in preserving the dialects from a wider separation.

Seventeen letters of the English alphabet serve to express all the sounds of the Hawaiian tongue, and these are the five

\* See Mr Pickering's Essay on a Uniform Orthography for the Indian Languages of North America, published in the *Memoirs of the American Academy of Arts and Sciences*.

vowels, *a, e, i, o, u*, and the twelve consonants, *b, d, h, k, l, m, n, p, r, t, v, w*. The missionaries add, moreover, that five of these might very well be dispensed with, namely, *b, d, r, t, v*. The sounds of these letters are sometimes heard, but yet so indistinctly, that they may be supplied by others, that is, *p* may be used for *b*, *l* for *d* and *r*, *k* for *t*, and *w* for *v*.<sup>\*</sup> From these facts is seen what exceeding simplicity prevails in the sounds of the language. To exemplify this statement, in regard to the use of one letter for another, it is mentioned, that when the name of the late king was first printed, it was shown to him in two forms of orthography, expressing the two modes in which it was pronounced, that is, *Rihoriho* and *Liholiho*. When desired to determine, which should be the uniform mode, he decided on the former. The language abounds so much in vowels and liquids, and one sound slides so imperceptibly into another, that it is often difficult to mark the precise shade of difference. In the name of the king, for instance, it would frequently not be easy to tell whether it was pronounced after the first or second mode of spelling. It may be remarked, however, that this indistinctness will gradually disappear, as a written language becomes known, for as each letter has a definite sound, the ear will become accustomed to it, and the organs of speech familiarized to its use.

It is remarkable, that in the Tahitian and Hawaiian languages, every syllable, and consequently every word, ends with a vowel. Whether the same rule is applicable in so great a latitude to the other Polynesian dialects, has not been fully ascertained. No Tahitian can pronounce a word accurately, which ends in a consonant; his voice slides irresistibly into a vowel sound. Thus the names of the Missionaries, Nott and Ellis, were pronounced *Notti* and *Eliki*, the *k* in the latter being substituted for *s*, which the natives cannot sound. Hence, as syllables often begin and always end with a vowel, it is obvious that there must be a perpetual concurrence of vowel sounds, which renders the pronunciation of words hard to be acquired, although each sound is extremely simple in itself. The difficulty consists in making new combinations of sounds already familiar; which is much less, after all, than that of first moulding the organs to new sounds, and then to strange combinations, as must be the case with every Polynesian, who attempts to learn English.

\* See *Missionary Herald*, vol. xix, p. 42.

But we have no space here, to enter into an investigation of the grammatical or philosophical principles of these dialects, even if we were adequate to such a task. From a superficial examination, however, it may safely be affirmed, that, compared with other languages, whether ancient or modern, the Polynesian exhibits features novel, curious, and peculiar, distinguishing it by strong marks of difference from every other known tongue. It is not likely, that any other unwritten language exists, which is so widely diffused; and certainly none, spoken by so many distinct tribes of men, and at the same time with so little variation of dialect. The subject is yet in the dark. When its intricacies shall be fully developed, the result will possibly lead to a discovery of the origin of the Polynesian race, and its affinity with the other branches of the human family; and, still further, to the solution of the long agitated problem, the first peopling of the American continent.

As an illustration of the general principles of orthography, which have been introduced, and as an example of the striking resemblance of the different dialects, we quote the following translations. They embrace three of the primary dialects, of which grammars have been formed, namely, the Hawaiian, the Tahitian, and that of New Zealand. The first extract is from the Appendix to the volume we have been reviewing; and the Hymn that follows is taken from a little collection, published three years ago at Oahu, one of the Sandwich Islands. It is a metrical paraphrase, as we understand it, of the closing verses of the one hundred and eighteenth Psalm, from the twentyfourth verse to the end.

#### HAWAIIAN DIALECT.

Aniani mai ka makani oluolu.	The breeze blows comfortably.
I ke arooke Akua.	The presence of God.
Ehele au e ike ia oukou.	I will come to see you.
Aore nana ia kopalapala eke'rii.	Your letter has not been seen by the king.
Make make maua i ka palapala.	We love the book, or instruction.
Ihoi mai au i ka olelo a ko arii.	I have returned an account of the king's word.
He aroha au ia oe i kou-keiki i make ai	I sympathize with you on account of your son's death.
Epale ae i ke Akua i ke arii.	Pray to God for the king.
Aore oukou ehele mai i'au i ora oukou.	Ye will not come to me that ye may be saved.
Iho mai kela.	He came down.

Makou iho olelo maitai a Jehova.  
Uu ike au a pau roa i ko palapala.

We have recently heard the good word of Jehovah.  
I understood even all your letter.

### Hymn.

Ua hiti mai ka la maitai,  
Ua hele hou mai kakou nei,  
Hoorea ke Arii o ke ao,  
Ke Akua nui o kakou.

No ke Akua keia la,  
I tabu roa no Kela,  
Ko kakou hana waiho nae,  
Pela ИЕHOVA 'papa mai.

E oluolu pu kakou,  
Hauoli ko kakou naau,  
'Kona hoavi ana mai  
Na kakou nei ka Sabati.

Himeni pono 'ku kakou,  
Pule me ko kakou naau;  
Hoolono 'Kona kanawai,  
Ke olelo a Iesu Kraist.

### TAHITIAN DIALECT.

The example here selected is from a translation of the Acts of the Apostles, printed at Tahaa, one of the Society Islands, in the year 1823. It is part of the exordium to St Paul's speech before Agrippa. Acts xxvi. 6, 7, 8, 9.

E teie nei no te tiaturi i ta te Atua i parau mai i to tatou hui tubuna ra, i tia'i au nei ma te haavahia mai.

Ta to matou ia mau obu tino ahuru mapiti i hinaaro ia noaa, i haamori noa'i i te Atua i te rui e te ao: no taua tiaturi ra, e te arii e Ageripa, i parihia mai ai au e te ati Iuda nei.

Eaha i manao ai outou e, e mea tia ore ia faaroo e, e faatia faahou te Atua i tei pohe?

E manao mau hoi to'u i roto ia'u iho i *mutaaiho ra*, e ia rahi to'u patoi adu i te ioa o Iesu o Nazareta ra e tia'i.

And now I stand and am judged for the hope of the promise made of God unto our fathers;

Unto which *promise* our twelve tribes, instantly serving *God* day and night, hope to come: for which hope's sake, king Agrippa, I am accused of the Jews.

Why should it be thought a thing incredible with you that God should raise the dead?

I verily thought with myself, that I ought to do many things contrary to the name of Jesus of Nazareth.



## NEW ZEALAND DIALECT.

This extract is part of a prayer, as contained in Lee's Grammar of the New Zealand Language.

E Jihóva! e Atúa núi koe. Náu te máhinga katóa tánga ki dúnga ki te rángi ki ráro ki te wenúa.

Pai ráwa tóu e ánga ki te tángata. Náu ra óki te tángata; tóna áha óki, me tóna waidúa óki.

E e ára ra óki tátu; waka matára mai koe ta tátu nei e ára! Ko Jízus Kraist ra óki te matára tánga. I te útu ra óki ía mo tátu. I madíngi ai ía tóna tóto e wakára ra óki ki te Atúa, e méa waka róha ki a tátu.

Ka waka pai átu tátu ki á koe; ka ánga átu. To tátu Atúa ra óki koe; é ara te Atúa átu mo tátu. Náu ra óki i tóno mai ai táu Tamaiti ki te A'o nei ki a óra ai tátu.

O Jehovah! thou art a great God. Thou hast made all things in heaven above and in the earth beneath.

Good indeed is thy work as to man. Man sprung from thee; from thee are his soul and spirit.

We are sinners; do thou put away our sins! Jesus Christ is our Surety. He became a ransom for us. He spilt his blood as a satisfaction to God, and out of love to us.

We praise thee; we cleave to thee. Thou art our God; we will have no other God. Thou didst send thy Son into the world to save us.

Upon a first examination of the above examples, it would seem that, in the New Zealand dialect, there is an exception to the general rule, which makes every syllable end with a vowel. We have, for instance, *tángata*, 'man,' and *madíngi*, the syllabic division of which words appears to take place between consonants. But this may be in appearance only. The letters *ng*, coming before a vowel, prevail in large classes of New Zealand words, where they probably express nothing more than a simple sound partaking of the two letters, and not to be conveyed by any single character in the English alphabet. The above words may then be divided *ta-gna-ta*, *ma-di-gni*; and the same also of *ngo-ngi*, 'pure water,' *ngu-ngu*, 'stooping,' and numerous others. *Nga* is used to denote the plural of nouns; as, *matua*, 'a parent,' *nga matua*, 'parents.' We have seen no instance of this combination of letters in the Tahitian or Hawaiian dialects; but it exists in the Tongatabuan, as the word itself indicates.\*

\* The Polynesian words are commonly short, seldom extending to more than three syllables. Nor does the tendency to verbal combinations prevail, which our philologists have discovered in the languages of the North American Indians. An exception must be made, however, as to the names of some of the gods, which partake strongly of the

The Missionaries are now engaged in translating the New Testament into Hawaiian, but they complain of the difficulty of the task by reason of the multitude of words in the Greek, for which there are no corresponding terms in Hawaiian, and representing things of which no native has any ideas. They instance *faith, holiness, throne, dominion, angel, demoniac*, as words of this sort, and add, that 'the natives call an angel either an *akua*, a god, or a *kanaka lele*, flying man.\*' One thing has struck us with a good deal of force, in looking over the translations that have come into our hands, which is, that the word *God* is rendered by *atua*, as it is pronounced in New Zealand and the Society Islands, or *akua*, as heard in the Hawaiian dialect. This will be seen in all the examples quoted above. Now this word is used, as far as we can learn, throughout Polynesia, to express imaginary heathen deities, without any definite application to deities of a particular character, dignity, or influence, but to every species of imaginary beings, whether good or bad, and much more commonly the latter. Indeed, from such accounts as have come to us, the impression is strongly left on our minds, that the *atuas* are almost universally considered as ministers of evil, the objects

character of Indian proper names. The following are appellations of deities. *Hiataaravamata, quick glancing eyed cloud holder*; *Hiatawahilani, heaven rending cloud holder*; *Kaneruruhonua, earth shaking Kane*; *Makorewawaliwaa, fiery eyed canoe breaker*. These words will remind our readers of the long catalogues of Indian names, similarly compounded, which constitute the signatures to Indian treaties. For example, *Ootaujeaugenh, broken axe*; *Tioohquottakauna, woods on fire*; *Soggooyawauthau, red jacket*; *Kaujeagaonh, heap of dogs*; *Hombahagren, fine day*; *Cageaga, dogs round the fire*; *Tekakisskee, taken out of the water*.

But yet they do not reach to such a length as certain Indian words, which came under the notice of Cotton Mather, and which that author somewhat facetiously observes, 'one would think had been growing ever since Babel unto the dimensions to which they are now extended.' He adds, 'for instance, if my reader will count how many letters there are in this one word, *Nummatchekodtantamooonganunnonash*, when he has done, I, for his reward, will tell him, it signifies no more in English, than *our lusts*; and if I were to translate *our loves*, it must be nothing shorter than *Noowomantammooonkanunnonnash*; or, to give my reader a longer word than either of these, *Kummogkodonattootummooteiteongannunnonash*, is, in English, *our question*.' *Magnalia*, Book III. At this point the author abruptly leaves the subject, and the separating of these words into their component elements, must be the task of profounder philologists than ourselves.

\* *Missionary Herald* for September, 1825, p. 275.

of terror, whose agency is to be dreaded. We would ask, if it is not an essential mistake to represent the Supreme Being by a term conveying such ideas, and whether old impressions will not adhere so closely to the name, as to embarrass the natives exceedingly, in their attempts to gain a correct notion of the true God? To us this appears probable, and we see no good reason, why the words denoting the Supreme Being in the Bible should be rendered by the names of heathen deities, more than by words of any other import. Is it not better to employ a term, which has no prescriptive meaning to the natives, and to which is to be attached a set of new ideas? In this case you have only to sow the seed, but in the former, you must first submit to the infinitely more laborious and troublesome task of clearing away the rubbish, and preparing the soil. Why should not the word *Jehovah* be used invariably, as it is in some instances, to signify the Supreme Being? Other words, such as *God*, *Lord*, when they do not mean the same as *Jehovah*, and also *angel*, *spirit*, may preserve their original Greek orthography, so far modified as to admit of an easy pronunciation by the natives. We venture these remarks with deference, but we deem the subject to be of no little importance, and one which demands the very serious attention of the Missionaries, in the first stages of their labors. The main thing is to find out the shortest and plainest road to truth, and to remove at the outset every stumblingblock, which may contribute to increase confusion and perpetuate error. The great apostle to the Indians, Eliot, was in our opinion more judicious. In his translation the names of the Deity are preserved as in the English Bible. The prominent words in the title page of his Indian Bible are *Up Biblum God*, meaning, we suppose, the Book of God. Sometimes he uses the word *Jehovah*, where in the English it is *Lord* or *God*, but we have discovered no instance in which he employs the names of the heathen deities to denote the Supreme Being.

It has been a theory, in which geographers and philologists have universally concurred, that the Malayan and Polynesian languages were from the same stock, or rather that the latter was only a branch of the former. The investigations of the Missionaries have shown this theory to have no foundation in fact, and that few languages are more diverse in their radical principles. The theory, that the Polynesians migrated from Asia, or the Asiatic islands, falls at the same time to the ground. It is quite as likely that the Asiatics are emigrants from Polyne-

sia; and whoever pursues the subject, with the degree of knowledge that at present exists upon it, we apprehend will find himself in a circle. That our readers may form some comparison between the Malayan and Polynesian, as they affect the eye and ear, we shall here quote in the Roman character a passage of Malayan poetry, as we find it in Marsden's Grammar of the Malayan Language.

Kuda putith etam kuku-nia  
Akan kuda sultan iskander  
Adenda etam baniak chumbu-nia  
Tidak bulih kata iang benar.

Burong putih terbang ka-jati  
Lagi tutur-nia de makan sumut  
Biji mata jantungg ati  
Surga de-mana kita menurut.

'A white horse, whose hoofs are black, is a horse for Sultan Iskander; my love is dark, various are her blandishments; but she is incapable of speaking the truth.'

'A white bird flies to the teak tree, chattering whilst it feeds on insects. Pupil of my eye, substance of my heart, to what heaven shall I follow thee.'

With what immediate success the Missionaries will meet, in communicating religious impressions, cannot be with certainty predicted. A few highly encouraging examples have already occurred, among which may be reckoned that of Keopuolani, the late queen. That all the notions of heathenism can be at once removed, and their place supplied by a pure christian faith, is too much to expect. The generation now on the stage must ever be very dark minded christians at best; yet the Hawaiians are a docile people, and they may doubtless be made to understand some of the doctrines, as well as the moral precepts and injunctions of the Scriptures. But the brightest harvest is in a future season, when the children of the schools shall go out into society, with minds properly stored, and habits rightly trained. Much has been done in the Society Islands, during the thirty years since the Missionaries first visited them. Wars have ceased, the horrors of a shocking barbarism have vanished, mild governments are established, the arts of civilized life are eagerly cultivated, stated religious worship is kept up in many places, and, according to the best accounts, it is hardly too much to say, that this region, so lately sunk in the deepest gloom of a savage heathenism, is now a christian land. Schools are planted in the villages with native teachers, reading and writing are common attainments, and books are written, printed, circulated, and used. These are noble achievements, and they have been made, let it be understood, by the sole efforts of the Missionaries, whose sacrifices and sufferings have been greater than can be well imagined,

but whose constancy has borne them through to the end. In their success they have a rich reward.

We may safely expect as rapid and complete success, from the American Missionaries at the Sandwich Islands. They receive protection, and even encouragement from the chiefs; about one thousand children attend their different schools; houses for public worship are erected, some of them at the expense of the chiefs themselves, and a good degree of attention is paid to the religious services. It is impossible, that such a system of instruction should not work its way into the thoughts and habits of the people. The king, Rihoriho, who died in England, was friendly to the Missionaries, and bestowed his patronage, but his death has caused no perceptible change in their condition. Karaimoku, the present ruling chief, who, for his talents as a politician and statesman, is familiarly called *Billy Pitt* by foreigners, has from the beginning favored their objects and is still their firm supporter. He had himself been their pupil in learning to read and write, and he speaks the English language; as does also Kuakini, otherwise *John Adams*, governor of the island of Hawaii. This is a rare accomplishment, as few will apply themselves to the severe labor of learning a new language, although they are eager to acquire the knowledge of reading and writing their own.

Six years ago the language of these islands was a fleeting sound, existing only in the mouths of the natives; it is now a written, unchanging vehicle of thought, suited to communicate ideas to the people, which they had before no power of attaining. The advantage of this single improvement in their condition is not to be estimated. Vessels belonging to the natives, and manned wholly by them, ply regularly from one island to another, and it is rare that they do not convey letters. 'This writing is a wonderful thing,' said a chief to Mr Ellis, when he had just finished reading a letter from his sister on another island; 'formerly my sister would entrust her message to a third person; before he reached me he would forget half that was told him, and divulge the other half; now she writes it on paper, and it is as if she whispered it in my ear.' The benefits of commerce begin to be understood. Rihoriho sent a cargo of salt to Kamtschatka, which yielded a profitable return. Karaimoku afterwards fitted out a brig, belonging to himself and the young princess, on a sealing voyage, which produced twelve thousand dollars. Tamahameha once sent a cargo of sandal

wood to Canton on speculation, probably by the recommendation of foreigners, but the voyage proved unsuccessful, and he never renewed the enterprise. The state of things has since changed, and it will continue to change, and the work of civilization will go forward. The different branches of human improvement will act reciprocally upon each other, intelligence will spread and be an excitement and a guide to industry, and, in process of time, laws, morals, religion, and social order will be established, and the blessings of civilized life secured.

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ART. V.—*A Treatise on Christian Doctrine, compiled from the Holy Scriptures alone.* By JOHN MILTON. Translated from the Original, by CHARLES R. SUMNER, M. A. Librarian and Historiographer to his Majesty, and Prebendary of Canterbury. From the London edition. 2 vols. 8vo. Boston. Cummings, Hilliard, and Co. 1825.

It is a general axiom in literary history, that a work is to be ascribed to the author whose name it bears, unless there are strong circumstances to excite suspicion of fraud. But this axiom is founded in the supposition, that the work gains some publicity during the author's lifetime, or that it comes to light soon after his decease. In the present instance, therefore, a century and a half having expired since the death of the supposed author, it is not unreasonable to demand the proofs of the authenticity and genuineness of the work. Of these proofs we shall endeavor to give the substance, as we gather them from the translator's 'preliminary observations.'

It appears from the statement of Mr Lemon, deputy keeper of the state papers of the king of England, that Milton retired from active, official employment as secretary for foreign languages, about the middle of the year 1655; and it is mentioned by several of his biographers, that after he retired from public business, among other literary enterprises, he commenced the composition of a body of divinity, compiled from the Holy Scriptures. This, says Wood (*Fasti Oxonienses*), is, or was lately in the hands of Cyriack Skinner. The same fact is mentioned by several others, and fully established. It remains therefore to be shown, that the original of the present work is

the same treatise, which has been so often mentioned, and which, before its recent discovery, had generally been supposed to be lost.

In the latter part of the year 1823, a Latin manuscript, bearing the title, *Joannis Miltoni Angli de Doctrinâ Christianâ, ex Sacris duntaxat Libris petitâ, Disquisitionum Libri Duo Posthumi*, was discovered by Mr Lemon, while he was searching in the old state paper office, Whitehall. 'It was found,' says Mr Sumner, 'in one of the presses, loosely wrapped in two or three sheets of printed paper, with a large number of original letters, informations, examinations, and other curious records relative to the Popish plots in 1677 and 1678, and to the Rye House plot in 1683. The same parcel likewise contained a complete and corrected copy of all the Latin letters to foreign princes and states, written by Milton, while he officiated as Latin Secretary; and the whole was inclosed in an envelope superscribed, 'To Mr Skinner, Merch'.' This Skinner was a favorite pupil, and afterwards a personal friend of Milton.

In what way this manuscript was deposited in the state paper office cannot be determined with certainty, from the investigations of the translator. It is a conjecture of Mr Lemon, that Cyriack Skinner, from his well known republican principles, might have been suspected of partaking in some of the political conspiracies, which prevailed during the last ten years of the reign of Charles the Second, and that his papers were consequently seized. On this supposition, the manuscript of Milton, which had so long been supposed to be lost, would have come into possession of the principal secretary of state for the southern, or home department; in which case, as the secretaries of that period bequeathed their voluminous collections of manuscripts to his Majesty's state paper office, it was there securely deposited. Without going further into detail, we shall leave the history of the manuscript with this general view, considering it as a fact established beyond any reasonable doubt, that Milton was its author.

It is easy to account for his undertaking a treatise of this kind. His father intended that he should be educated for the church, and at an early period of life he gave full demonstrations of the interest he took in religion. But connected as were the affairs of church and state at that period, it was impossible that one who had any strong republican tendency, should bear any good will to episcopacy. In correspondence with his poli-

tical principles, Milton imbibed, in common with the Puritans, such notions of discipline and church polity, as precluded one, distinguished like him by independence of character and thinking, from swearing by any master. Or, as he himself expresses it, 'Coming to some maturity of years, I had seen what tyranny pervaded the church, and that he who would take orders, must subscribe slave, and take an oath withal, which, unless he took with a conscience that could retch, he must either strain, perforce, or split his faith; I thought it better to prefer a blameless silence, before the office of speaking, bought and begun with servitude and forswearing.' He was indeed no less remarkable for freedom of speech, than that of thought; and in his travels in Italy we are told, that he fearlessly vindicated his religious principles, at the very seat, and almost in the presence of the papal power. After his return from his travels, which were of short duration, he employed himself in teaching a few scholars. And this might have been the commencement of his *Treatise on Christian Doctrine*; for it was his custom to instruct his pupils every Sunday in religion, dictating a short system collected from writers then fashionable in the Dutch Universities. The principal authors whom he is said to have consulted, were Ames and Wollebius; and there are traces of both in the *Treatise* now published.

The manuscript is not all in the same hand writing. Nearly half of the *Treatise* is in a small and beautiful Italian hand, and though evidently transcribed with great care, is by no means free from mistakes; for compared with the remaining part, the errors are as fourteen to one. Mr Lemon, whose knowledge of the hand-writings of the period when the manuscript was written, is said by Mr Sumner to be very extensive, pronounces the part that is so carefully transcribed to be in a female hand, and thinks it that of Mary, the younger daughter of Milton. The last and larger part is in a very different hand, supposed by Mr Lemon to be that of Philipps, nephew of Milton. The numerous corrections and interlineations of this part are in two distinct hands, different from the body of the manuscript; but it is confidently believed, that most of them were written by the person who transcribed the first part of the *Treatise*. If Mr Lemon's opinions concerning the handwriting in the manuscript be well founded, we have additional evidence of the authenticity of the work.

We have compared Mr Sumner's translation with the original



so far as to be satisfied of his fidelity, and as to its style we have no objection to make. The coincidences which he has industriously pointed out in the notes, between thoughts and expressions throughout this treatise, and those in the printed works of Milton, both in his poetical and prose writings, are frequently striking, and might have been mentioned among the strongest proofs of the authenticity of the Treatise.

Milton's introduction to his Treatise, which begins with a salutation to all who profess the Christian faith throughout the earth, describes, we have no doubt honestly, the state of mind in which the work was composed. It breathes the same spirit of independence, which everywhere pervades his political and ecclesiastical writings, while at the same time it is free from their polemical zeal and sarcasm. He acquainted himself with the prevailing systems of theology, and was dissatisfied with all; and while reading the bible in the original languages, it was his practice to class under different heads, such passages of Scripture as he might afterwards have occasion to use. It seems that his original intention was to compile a manual for his own use, which he might always have at hand; and he speaks hypothetically of communicating the result of his labors to the Christian world. But in case he should publish his Treatise, he claims for it all the indulgence which is shown to scholastic systems of theology, since he everywhere takes the broad Protestant ground, asserting the sufficiency of the Scriptures, and acknowledging no other tribunal.

It is not our purpose to show the truth or error of the doctrinal views of this Treatise in general. Wedded to no system in theology, either in regard to the dogmas or ceremonial observances of the Christian church, the author, in his views, will satisfy no party, as a whole, though all will regard the results with some interest, as proceeding from a great mind, a mind distinguished by independence, to a degree remarkable at the period when the work was written. On many of the controverted points, he appears to belong to the orthodox school, particularly on the effects of the fall of our first parents, and on the atonement. But the Calvinistic doctrines are not brought together by a metaphysical concatenation, and they are everywhere accompanied with the heartiest defence of free, moral agency; so that, if God decrees every thing, yet when his decrees affect moral agents, they are attended, according to his theory, with a condition.

All our readers, probably, have learned before this time, that Milton was a Unitarian; or at least that he was not, in any acknowledged use of the term, a Trinitarian. Though in some of his earlier poetical writings his belief in a Trinity is strongly implied, yet some, who have been curious to discover his theological opinions from his *Paradise Lost*, and *Paradise Regained*, have suspected, not without reason, his antitrinitarian bias. In the work before us, his views are so clear and explicit, that they cannot be misunderstood. He denies both the self existence and the eternal generation of the Son, while he admits, in the strictest sense of the words of Scripture, all that relates, or seems to relate, to his preexistence. He is not appalled by those passages, even if the readings are all genuine, which speak of Jesus Christ as God, or ascribe to him any of the attributes of the Deity; considering the appellation and the attributes as applied to him always in a subordinate sense. The arguments by which he opposes the commonly received doctrine, both from reason and Scripture, are stated in their full strength, and, except for the infinite variety of illustration they admit, are nearly exhausted. But, as we remarked before, it is not our design to enter into any of the common controversies on Christian doctrine, which divide the church. There are in this Treatise other speculations of a different kind, some of which are on subjects very abstruse and almost intangible, and some on subjects either curious or uncommon, which have nothing to do with the distinctions of orthodox and heterodox, or liberal, as the words are now understood.

It may not be unwelcome to our readers to have some account of the author's notions concerning *Creation*. It is, we should think, the general belief, that God is purely a spiritual being, and that the world was created by him out of nothing. Notwithstanding the corporeal terms made use of, particularly in the Old Testament, when Deity is the subject of discourse, besides the difficulty of conceiving of a being without the aid derived from imagining material parts, still there is an abstract belief of existence independent of matter, and of power by which matter is created. But here arises the difficulty which the philosophic mind experiences in conceiving of a creation out of nothing; a difficulty which has driven some into atheism or Pantheism, and others into the belief that the world was created not only *by* God, but *of* God. It has been maintained by some divines, that the Hebrew word translated *create*, in the Mosaic

history, means producing out of nothing. But this is a mere inference from their preconceived notions. We do not affirm, that the exigency of the case may not require this restriction in the meaning of the term; but it is certain, that the usual meaning is to fashion or alter, to make or to form in any way. Milton believes neither that matter was created out of nothing, nor that it had an independent and eternal existence; consequently he maintains that there is but one solution of the difficulty, namely, that all things are of God.

‘There are,’ says he, ‘four kinds of causes, *efficient, material, formal, and final*. Inasmuch then as God is the primary, and absolute, and sole cause of all things, there can be no doubt but that he comprehends and embraces within himself all the causes abovementioned. Therefore the material cause must be either God, or nothing. Now nothing is no cause at all; and yet it is contended that forms, and above all, that human forms were created out of nothing. But matter and form, considered as internal causes, constitute the thing itself; so that either all things must have had two causes only, and those external, or God will not have been the perfect and absolute cause of everything. Secondly, it is an argument of supreme power and goodness, that such diversified, multiform, and inexhaustible virtue should exist, and be *substantially* inherent in God (for that virtue cannot be *accidental*, which admits of degrees, and of augmentation or remission, according to his pleasure), and that this diversified and substantial virtue should not remain dormant within the Deity, but should be diffused and propagated, and extended as far and in such manner as he himself may will. For the original matter of which we speak, is not to be looked upon as an evil or trivial thing, but as intrinsically good, and the chief productive stock of every subsequent good. It was a substance, and derivable from no other source than from the fountain of every substance, though at first confused and formless, being afterwards adorned and digested into order by the hand of God.’ Vol. I. pp. 238, 239.

This theory is considered by the author consonant not only with reason, but with Scripture. It is grounded in the supposed impossibility of Creation in the commonly received sense of the word; and therefore it is intended only to deny what in its very nature is deemed incredible. Hence it is that he declares so plainly what has been less directly intimated by other theologians, that creation is not strictly the production of existence of any kind from nothing, but from the boundless fullness of the self

existent Being himself. In correspondence with this kind of mixture of the spiritual and material, some of the thoughts and expressions of the author concerning the conceptions that we may form of Deity, seem to approximate too nearly to *anthropomorphism*. Such kind of representations may be expected in poetry, and they are found sufficiently prominent in the great poem of our author. But it seems this was not with him a mere poetic license, helping out the machinery of his great Epic. His principle on this subject is, that it is safest to form such a conception of God, as shall best agree with the representations he has given of himself in the sacred writings. Passing over what he says of grief, anger, repentance &c, as referring to God, we come nearer to what we have alluded to above, when he speaks of the form and parts attributed to Deity.

‘If God,’ says he, ‘be said to have made man in his own image, after his likeness, and that too not only as to his soul, but also as to his outward form, and if God habitually assign to himself the members and form of man, why should we be afraid of attributing to him what he attributes to himself, so long as what is imperfection and weakness, when viewed in reference to ourselves, be considered as most complete and excellent, whenever it is imputed to God.’ Vol. 1. pp. 22, 23.

There can be no doubt that when the attributes of God are represented by the aid of sensible objects, as his *power* by an outstretched arm, his *omniscience* by his eyes being in every place, and the like, it is done for wise purposes, to give us some faint notions of his perfections. But we cannot but agree with those divines, who consider such representations as merely auxiliary, or illustrative, and not intended to be associated with our purest and most intellectual conceptions of the invisible Jehovah. Some of the most sublime descriptions of his attributes and Providence, in the prophetic writings, are conveyed through the instrumentality of sensible objects, which are made to give us more lively and exalted impressions of them, than we should derive from purely abstract notions; but it is, as it were, merely a dense medium, through which we see something darkly, and magnified to an immeasurable extent. And the more we can rid ourselves of what is merely sensible, the nearer we shall approach to the idea of God, which the Scriptures, in their general tenor, aim to convey; namely, of a perfect, invisible spirit, requiring a true, spiritual worship.

Of the author's opinions concerning what the Christian Scriptures do or do not teach, in regard to marriage, and to the institution of the Sabbath, we shall not speak particularly. It is enough to say, that while Christians are divided into an infinite variety of sects on other subjects, they are sufficiently well united on these. The usage in each particular might have been well understood by the immediate disciples of Christ, and have been sanctioned by his authority, and yet not have been subjects of express instruction, or of historical record. And if we advert, in this connexion, to the immemorial practice of the Christian Church, it seems to us that all grounds of scepticism concerning marriage, and the observance of a stated Sabbath, as both are now regarded, are sufficiently removed. If Christianity was intended to serve the highest moral purposes, which no true believer can doubt, it could never have sanctioned polygamy, so destructive as it would be of all the purest virtues that grow out of the domestic relations. And if it was intended for a perpetual religion, which is alike unquestionable, it would not have overlooked a principal means of its own preservation.

There is one other subject to which we shall advert for a moment, before we close our remarks, and that is to the author's opinions concerning *Death*.

'The death of the body is the loss or extinction of life. The common definition, which supposes it to consist in the separation of soul and body, is inadmissible. For what part of man is it, that dies when this separation takes place? Is it the soul? This will not be admitted by the supporters of the above definition. Is it then the body? But how can that be said to die, which never had any life of itself? Therefore the separation of soul and body cannot be called the death of man.' Vol. I. pp. 362, 363.

After discussing the subject, and examining the texts of Scripture relating to it at considerable length, he concludes with the explicit declaration of his belief in the death of the whole man, and his remaining in unconscious rest to the day of the resurrection and final judgment. In all this there is the same tincture of materialism, that we have noticed before. But while we have not room to follow him in the arguments, which he deduces from Scripture and philosophy, till he comes to the fearful result of all his reasoning; yet we think there are instances enough in the New Testament to encourage us in the belief, that when the frail body returns to the dust from whence

it came, the spirit will return to God who gave it. The doctrine maintained by Milton is not, indeed, so overwhelming as that of total annihilation; but it reminds us of that passage in his *Paradise Lost*, in which even infernal spirits cannot contemplate the extinction of being without horror. And amidst the greatest afflictions of our mixed condition, when wholly submissive to the will of God, we should be with difficulty reconciled to the loss of existence, for we know not how many ages.

‘ To be no more; sad cure! for who would lose  
 Though full of pain, this intellectual being,  
 Those thoughts that wander through eternity,  
 To perish rather, swallowed up and lost  
 In the wide womb of uncreated night,  
 Devoid of sense and motion?’

Though we are aware, that we have distorted this passage from its intended application, yet it is so far applicable to the case before us, that it presented itself to us uncalled for. On such a solemn subject we are not disposed to dogmatize; but since death is not the final extinction of being, we cannot believe, without being expressly taught so, that it is a long suspension of existence, limited only by the remote (we know not how remote) consummation of all things here upon the earth.

We have seen some contemptuous expressions concerning this *Treatise of Milton*; much more contemptuous than, from our examination of the work, it seems to deserve. The mere biblical critic may not value it highly; the mere metaphysician may not value it highly; but one who is fond of comparing Scripture with Scripture, and finding what is taught by its general tenor, rather than what seems to be taught in a few detached passages, will have no inconsiderable respect for it. For upon every subject is cited a great collection of texts, as proofs, not indeed always apposite, but in general so many texts, and so much that is apposite, as, one would think, almost to exhaust this species of proof. This will save the theologian, who is examining the same subjects, much expense of time, in turning over the leaves of his concordance, and present to him in a train, all that he would seek for. In applying and weighing the value of texts, he may often have occasion to differ from the author; but this makes no greater deduction from the merits of the work, than is to be expected in such a mass of extracts, under the various subjects. In reasoning from Scripture, or from the sug-

gestions of his own mind, he seems for the most part free from a contentious spirit, and an overweening fondness for his own opinions. If we are disappointed, on the whole, that so great a man in the poetical world, and one so distinguished by his political writings, is not also first among theologians, it is a disappointment arising from the unreasonableness of our expectations.

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ART. VI.—*Memoir of the Life of Richard Henry Lee, and his Correspondence with the most distinguished Men in America and Europe, illustrative of their Characters, and of the Events of the American Revolution.* By his Grandson, RICHARD H. LEE, of Leesburg, Virginia. Philadelphia. 1825.

IT has been said, that we of the North are prone to laud our own men and things. This is probably true, since, if we had not this disposition, we should form an exception to one of the most general laws of human society. Beginning with the first natural combination, the family (the only natural one according to Rousseau), and ascending to kingdoms and empires, a disposition to boast may always be traced, where it is not controlled by some stronger passion. In this country, our peculiar political organization has set two forms of this vanity in occasional opposition to each other. The disposition to laud certain things, which we might cherish simply as Americans, is controlled and modified by our State partialities. We are sometimes afraid to speak in unqualified terms of those, who are only our countrymen, lest we should do injustice to the paramount claims of those, whose reputation may be the pride of the individual State to which we belong.

For ourselves, we are not inclined to censure the operation of the latter feeling. We are disposed to be very indulgent, not only to the New Englander, who derives all that there is valuable, in American institutions, from the principles of the Pilgrims, and to the Pennsylvanian, who proposes the founder of his commonwealth as the perfect model of a legislator; but also to the Virginian, who believes that but for Patrick Henry the spark of the Revolution would never have been struck out, and to the

Bostonian, who is equally confident, that when James Otis made his argument against writs of assistance, American liberty began to be. We esteem all this both honorable and natural. If it be worth while to take any distinctions on this subject, as we shall probably not be suspected of any factious intention, we would say, that the State feeling is one of deeper growth in this country, than any which connects itself with our general existence as a nation. Some of our politicians, as it has suited either their immediate interests, or has been dictated by their general views, have taught that the State feeling should be repressed as pernicious.\* We doubt this extremely, either as possible or desirable. It is true, that our national existence is every day gaining in that veneration, which time alone confers; but it is equally true, that, at present, our strongest historic recollections belong to us as States; for when we boast of our great revolutionary characters, we boast of them, not so much as Americans, but as citizens of the commonwealth to which we belong. Destroy the local tie, which binds together the people of each State, and the Union would not survive a day. We repeat, that, in enthusiastic attachment to our happy Union, we are exceeded by none who enjoy its blessings. But so far is it from being true, as was urged in the ardor of debate, in the federal Convention, by the advocates of a more perfectly consolidated system, that the States are metaphysical, ideal existences, that we should rather maintain the contrary. The Union, comparatively speaking, is the metaphysical and theoretical thing. Like the illimitable city, where its central point is fixed, it yet looks raw and new. Its operation is occasionally sharp and harsh; it wants the feeling of age. But the States, at least the thirteen States, come home in a different way to the hearts of their citizens. They are not metaphysical, they are historical beings. The family feeling binds their parts together. The seat of power is in their bosom. Every village sends its representative to the council fire, which is thus connected by a living tie to the firesides of the people.

But for the very reason, that the State feeling has this foundation in nature, it is becoming the philosophic patriot to be ready to apply the proper corrective to its excess. Nothing ought to be a more constant object of attention to him, than to promote

\*'Every thing that tends to strengthen the peculiar and exclusive feelings of State pride and sectional prejudice inevitably weakens the bonds of the Union.'—*Report of a Select Committee for Amending the Constitution, December 22, 1823.*



with fond care, the harmonious action upon each other of the parts of that most curiously complicated machine, which is formed out of the combination of our State and national institutions, and which constitutes the most extraordinary phenomenon in the political history of man. For this reason, we esteem it the duty of every true friend of his country's welfare among us to be most prompt and cordial in doing justice to the reputation of the distinguished characters of every State in the confederacy. However natural and however commendable the zeal of bearing testimony to the worth of which our own State has been the cradle and the stage, we ought to study with delight the honorable annals of our sister communities, and pay a hearty tribute to all we find in them of heroism and wisdom, in the field and in the cabinet. This is the dictate not less of justice than of magnanimity; for, after all, the great deeds and the great men of earlier or later years, to which the United States are indebted for their present prosperity, are not so confined to any one quarter, that the aid of all others could, in any degree, have been dispensed with.

In regard to revolutionary merits, a great and honorable controversy has been waged between Virginia and Massachusetts—now both of them somewhat declined from their former preeminence in numbers and power—then the leading States of the Union. But it ought, we think, to be conceded on both hands, that in the stern struggle for our liberties, the contest at the time was not so light and promising, that the voice or the arm of one of our champions could have been spared. Every man was essential. Every one, who served his country, did it precious service. There was no such superabundance of power, on our side, that it is fair to divide services into those, which were essential, and those which were subsidiary; into those, with which the cause could have dispensed, and those, without which it would have suffered shipwreck. The humble sexton, who lighted the lamps in Christ Church steeple, on the night of the eighteenth of April; and the honest rustics, who defeated the treacherous project for the surrender of West Point, may, in the series of events, have rendered services as important, as those of Brooks when he leaped the entrenchments at Saratoga, or Lafayette when he stormed the lines at Yorktown.

It is one of the characteristics of a crisis like our Revolution, that it produces an astonishing development of talent and resource, among all classes of the community. It not only stimu-

lates the energy of many cultivated minds, but it elevates out of common life innumerable individuals, who, in more tranquil periods, are lost to all but the duties and calls of physical existence. This is the admirable resource, with which Providence provides a family of its children, whom it designs to raise up into an independent and prosperous people. They are commonly doomed, through much tribulation, to enter into the heaven of liberty and right. An exceeding sharpness of oppression, either in principle or fact, must drive them to resistance; and strong agonies of privation, of effort, of perplexity, and of care must bind their wandering counsels and divided interests into a band of strength and fortitude. Their leaders must sacrifice all the calm enjoyments and safety of home, and embark on a most troubled ocean of affairs with the gibbet in view; the poor soldiers must march with bleeding feet over icebound fields of disaster; and all the ordinary paths of life must be shut up before the rising generations of both sexes. The great and almost fatal calamities of such a state of things are no doubt the immediate cause of that astonishing developement of energy, both in deed and counsel, which marks a great political crisis, and which marked our revolutionary era more signally perhaps than any other in history. It certainly would not have been in the power of all the cabinets and armies of Europe, at that period, to show more business talent of the first order, than was displayed in these then insignificant colonies. The honorable testimony which Lord Chatham bore to the character of the state papers, which came from Philadelphia, was equally due to our military organization, considering the poverty of our means, and to our diplomatic negotiations, considering our political weakness. Neither is it fair to set all this down to the mere redeeming influence of the purity and disinterestedness of character of the men of those days. That generation, like this, was human, was frail. We had parties; we had narrow interests; we had traitors. And the revolution was brought about by the steady, businesslike efficiency of a host of able men, formed by the exigency of the times, seizing with wonderful aptness the right way of doing things; struggling against all kinds of obstacles, and finally conquering, not as the heroes of romance do, by the interposition of miraculous power, but by the superiority of wisdom, fortitude, and resource.

If, in this harvest of great men, all parts of the country were not equally productive, none was signally barren; and the just

rights of none to the gratitude of posterity ought to be undervalued. Delicacy and generosity, moreover, require that the tribute of praise should be fully and handsomely bestowed, beyond the circle of State partialities, and that we should even exercise a patriotic curiosity in asking, who were great men in other States, that sat in council with our own fathers. The time is peculiarly appropriate for this exercise of liberality. The period of commemoration has now arrived; and every year is bringing forth some literary monument to distinguish revolutionary desert. Not to mention several less conspicuous works, the *Life of Franklin* by his Grandson, of *Patrick Henry* by Wirt; that of *James Otis* by Tudor, that of *General Greene* by Judge Johnson, that of *Josiah Quincy Jun.* by his Son, may all with various degrees of merit be named as most honorable memorials of the great men they respectively celebrate. Similar works, we understand, are in preparation to commemorate the character of *Samuel Adams* and his copatriot *Gerry*; and a life of *Alexander Hamilton* has long been impatiently looked for.

Among the works of this class, that which is now before us deserves very honorable mention; *The Life of Richard Henry Lee* by his Grandson. The short dedication of the work of itself establishes the right of the subject of it to immortality among men.

‘To *Thomas Jefferson*, *John Adams*, and *Charles Carroll*, surviving signers of the Declaration of Independence, the *Memoir of the Life of Richard Henry Lee*, the *Mover* of the resolution in Congress, on the seventh of June, 1776, “That these United Colonies are, and of right ought to be, free and independent States,” is most respectfully dedicated.’

What a motion! And what a triumph of modern civilization, that a measure like this, a proposal to sever an empire, to erect an independent government over a vast region, on a continent where the word of independence had never been uttered, should have been calmly brought forward and deliberated in parliamentary rule, like an ordinary political question. Henceforward let us despair of nothing desirable for humanity, merely because it is unheard of, in the former history of man. Let us turn to the history of this motion, and hope for the time when all the great interests of nations shall be not only moved and suggested, but pursued, matured, and adjusted by negotiation and friendly compromise, without the barbarous resort to arms.

We cannot better fulfil the task of taking a proper notice of

this work, than by compiling from it a brief account of the life and services, which it so ably commemorates.

Richard Henry Lee was the son of Thomas Lee, of Stratford, in the county of Westmoreland in Virginia, and was born on the twentieth day of January, 1732, being consequently about a month older than General Washington. His ancestors were among the first settlers of Virginia, one of them, Richard Lee, having emigrated from England in the reign of Charles the First. Thomas Lee, the father of Richard Henry, was one of the first of the leading men of the Atlantic colonies, who turned their attention to the extensive regions west of the Alleghanies. Having employed an engineer of eminence from England to explore them, he, in conjunction with many others, under the name of the Ohio Company, took up an extensive tract of land on the Ohio river. The company never having obtained a patent from the Crown, their title was vacated at the Revolution. An anecdote related of the same person strongly illustrates his political foresight. He used to say, that he had no doubt America would declare herself independent of Great Britain, and that the seat of the new government would be near the little falls of the Potomac. So confident was he in this persuasion, that he acquired possession of large tracts of land around these falls, which till lately were in the possession of his descendants.

Richard Henry Lee, like most of the young men of wealthy families, was sent 'home,' as it was called, that is, to England, for his education, and was placed in the Academy of Wakefield in Yorkshire. No particular accounts are given of his progress at school; but the style of his eloquence, in after life, shows him to have been well grounded in classical and general literature. He returned to Virginia at about the nineteenth year of his age, two years after the decease of his father, and took up his abode with an elder brother. Though he did not devote himself to any professional pursuit, he passed his time in extending his acquaintance with the higher branches of political and moral science, and particularly in the study of the constitution and laws of England and America. For the pursuit of these dignified studies, his father's well stored library afforded him ample facilities.

Honorable and seductive as this leisure was, he stood ready to leave it, at the first call of his country. The inroads of the French and Indians on the western frontier, in the seven years' war, called aloud, and at length successfully, for the in-

terposition of England. In 1755, General Braddock was sent with a body of troops from England, to protect the defenceless settlements on the west. Upon the arrival of the General at Alexandria, volunteer companies of militia, which had been raised in the lower parts of Virginia, offered their services to him, to join the regular army in this hazardous service. Lee, the captain of one of these companies, was among the number that hastened to Alexandria, and there had the mortification to be contemptuously refused permission to enter the service. The General would accept the aid of none of the provincial troops. General Washington, who had two years before been employed as a special agent by the Governor of Virginia on a mission to the French Governor in the west, was attached to General Braddock as an aiddecamp.

Lee inherited from his ancestors the habit of punctuality and despatch in business. He was very early solicited to act as guardian of the estates of the children of his friends, and at the age of twentyfive, in capacity of justice of the peace, he distinguished himself as an active and leading member of the county court, a tribunal at that period of extensive jurisdiction. So distinguished was his usefulness in this sphere, that a petition was addressed to the Governor and Council, by several of the magistrates of the county, praying that his commission might be so antedated, that he might act as president of the court. The same year he was elected a member for Westmoreland to the House of Burgesses, and from this time to his death, a period of thirtythree years, he scarcely ceased for a moment, to be in the active and public service of his country. During the first years of his service in the House of Burgesses, he had to struggle against a diffidence, which he began to despair of ever being able to conquer. It was long before he could trust himself to engage in extemporaneous discussion. It is probable that more than one session passed, before he took any part in the debates. His first speech, as far as can be ascertained, was on a motion 'to lay so heavy a duty on the importation of slaves, as effectually to put an end to that iniquitous and disgraceful traffic, within the Colony of Virginia.' His speech on this subject was short and premeditated. It contains the strength of the argument against the slave trade, but does not appear to have produced a very decided conviction of the power of its author. This was yet to receive its developement.

Virginia was, at this period, like almost every other American

Colony, divided into two political parties. The one consisted of the large landholders, the owners of large numbers of slaves ; the latter of the substantial yeomanry. The former lived in great splendor and luxury, imitating the mode of life of the English aristocracy, and by natural association inclined to their principles. Between this and the lower orders, or the popular party, there was but little social intercourse. Lee, it scarcely needs to be said, was of the latter class. An incidental conflict between the two parties, in the House of Burgesses, was the first occasion, which called out, in all its strength, the talent of Lee. Shortly after this first display, Mr Lee took the lead in exposing the defalcation of the treasurer of the Colony, a leader and pillar of the aristocratic party ; and from this period his fame was established as a popular champion.

Here we cannot but interrupt the thread of our narrative to remark, that one of the happiest circumstances attending the struggle for our independence, was the very gradual manner, in which it was brought on. Even in the earlier periods of our colonial history (in some of the Colonies, and particularly in Massachusetts, in the very earliest), the struggle, which subsisted between the popular and court parties, was an admirable school of political gymnastics. It taught the patriots the habit and the boldness of discussion. This they had already acquired, when the shallow policy of Mr Grenville was broached in 1764. The eleven years that elapsed between this period and the commencement of the war, was another apprenticeship of political wisdom, skill, and courage ; so that when the crisis came, it did not take the patriots by surprise. The incalculable worth of this training may be seen by the calamitous consequences of a want of it, in other nations struggling for freedom. The French revolution miscarried for want of this gradual education in the school of liberty. The new states in America have been doomed to a generation of bloodshed and horror, partly in consequence of the errors committed for want of political experience ; and poor Greece is now held up to the world a mangled, quivering victim, a sacrifice to her own inexperience, not less perhaps than to the excusable barbarity of her masters, and the infernal\* policy of her Christian neighbors.

On the passage of the act in 1764, declaratory of the right

\* When it is remembered, that without Austrian transports, the Turkish armies could neither be conveyed to Greece nor fed there, we do not think the word in the text will be held too strong.

to tax America, Mr Lee expostulated on the illegality of this measure, in letters addressed to distinguished characters in England. His brother, Dr Arthur Lee, was at this time Colonial Agent of Massachusetts, residing in London; and from him the earliest intelligence of political movements was conveyed to Richard Henry, in America. On the motion of the latter in the House of Burgesses, and after great deliberation, a special committee was appointed to prepare an address to the King, a memorial to the House of Lords, and a remonstrance to the House of Commons against the policy which dictated the declaratory act. Mr Lee was placed on this committee, and the address to the King and the memorial to the Lords are still extant in his handwriting. On the passage of the Stamp Act the following year, Mr Lee was among the most active in the resistance, which it everywhere met in America. Under his auspices an association was formed to prevent the use of stamped paper; and it was in no small degree by his efforts and influence, that the same tone was given to Virginia, and through her to the South, which in Massachusetts was inspired by Samuel Adams and his associates. At this period commenced his acquaintance with his distinguished countryman, Patrick Henry; and to the strong sympathy and hearty cooperation of these kindred and mighty minds may, no doubt, in fairness, be ascribed a full proportion of the concert and energy with which the noble Virginian phalanx moved forward to the Revolution.

As early as 1768, Mr Lee is said to have conceived the idea of committees of correspondence between the legislatures and private associations of the different Colonies. We do not know with what justice his biographer and grandson claims for him the honor of having first made this suggestion, and having thus laid the foundation of a measure, which afterwards became one of the main engines for bringing on the Revolution. It was not till four or five years after, that the measure was generally adopted, and then it was at the suggestion of the legislature of Massachusetts, moved thereto by Samuel Adams. The records of the Boston Committee of Correspondence, of which the same inflexible patriot was the leading member, are still in existence among those of his papers, which have come down in his family. On the whole, considering that a partial private correspondence is a thing, which was started and carried on at a very early period, by many of the ardent sons of liberty, and was in itself a suggestion too obvious to mark any particular foresight as to its

adaptation for effecting great political measures ; and as Samuel Adams was the unquestioned mover of the system of committees of correspondence, as it was actually organized, we are inclined to think that, without detracting from the merit of others, the praise of this suggestion may rightfully be given to him.\*

On the destruction of the *Gaspee* sloop of war at Providence, and the consequent sensation throughout the Colonies, Mr Lee opened a correspondence with Samuel Adams, which was kept up till his death. Among the letters of many of the most

\* Mr Wirt says, in his *Life of Patrick Henry*, p. 87, that ‘ this House [the House of Burgesses in Virginia] had the merit of originating that powerful engine of resistance, Corresponding Committees between the legislatures of the different Colonies ; the measure was brought forward by Mr Dabney Carr, a new member from the county of Louisa, in a committee of the whole House, on the twelfth of March, 1773.’ If by ‘ originating ’ is meant the first legislative act, this statement of the case is no doubt correct ; but that this system of committees of correspondence had been publicly adopted in Massachusetts some months before the Virginia resolutions, will appear, by the following extract from the *Town Records of Boston*. A town meeting was held on the second of November, 1772, when, on motion of Samuel Adams, a committee of correspondence was appointed, consisting of twentytwo persons. This committee was instructed, ‘ To state the rights of the Colonists, and of this Province in particular, as men, as christians, and as subjects ; to communicate and publish the same to the several towns in this Province and to the world, as the sense of this town, with the infringements and violations thereof that have been, and from time to time may be made ; also requesting of each town a free communication of its sentiments on this subject.’

This committee of correspondence was thus publicly appointed and instructed on the second of November, but the Virginia resolutions were not brought forward till the twelfth of March following, that is, more than four months afterwards.

Gordon speaks of this event. ‘ Governor Hutchinson and his adherents,’ says Gordon (Vol. i. p. 312), ‘ being used to represent the party in opposition, as only an uneasy, factious few in Boston, while the body of the people were quite contented, Mr Samuel Adams was thereby induced to visit Mr James Warren of Plymouth. After conversing upon the subject, the latter proposed to originate and establish committees of correspondence in the several towns of the Colony, in order to learn the strength of the friends to the rights of the continent, and to unite and increase their force. Mr Samuel Adams returned to Boston, pleased with the proposal, and communicated the same to his confidants. Some doubted whether the measure would prosper, and dreaded a disappointment, which might injure the cause of liberty. But it was concluded to proceed.’ Gordon then goes on to give an account of the town meeting mentioned above, and of its proceedings.

This subject has been more fully discussed on a former occasion in this Journal. See Vol. vi. p. 310, for March, 1818.



distinguished patriots and statesmen of the revolutionary epoch, which form a considerable part of the work before us, those of Samuel Adams are the most interesting, and increase the desire, which is already so general, that the rich deposit of the papers of this great republican sage may before long be spread before the world. On the arrival of the Boston Port Bill, the Assembly of Virginia ordered a fast to be observed on the day when the port bill was to go into execution. The next day it was the intention of Mr Lee to propose a series of resolutions expressive, in very strong and indignant language, of the feelings, with which Virginia contemplated this outrage on her sister Colony. The Governor having dissolved the Assembly, it was impossible to bring forward these resolutions, and the other measures contemplated by the friends of liberty. It was Mr Lee's wish to summon an inofficial meeting of the House, but a majority preferred the publication of an address to their constituents, in which, after denouncing the Boston Port Bill, a general Congress was proposed, to consult on the state of the Colonies, and the suggestion is made of a prohibition of all exports from America to England. This address was from the pen of Mr Lee.

The measure of sending deputies to the Continental Congress, already determined on by Massachusetts (and this by a vote passed the seventeenth of June, 1774, as if in prophetic anticipation of a still more eventful futurity), was adopted by Virginia in the month of August. Peyton Randolph, Richard Henry Lee, George Washington, Patrick Henry, Richard Bland, Benjamin Harrison, and Edmund Pendleton were designated as deputies. Mr Lee was one of the ablest and most energetic members of this body. The most important individual measure adopted at this Congress was perhaps the preparation of the Petition to the King, the Address to the People of England, and the Memorial to the People of British America. These were those 'papers from Philadelphia,' which Lord Chatham compared to Demosthenes and Thucydides. They were drafted by a committee, consisting of Mr Lee, Mr Livingston, and Mr Jay. It is rendered highly probable that the Petition to the King and the Memorial to the People of British America were written by Mr Lee, and the Address to the People of England is admitted to have been the composition of Mr Jay. This last document may perhaps be regarded as the very ablest of the kind, which the Revolution produced. An unfavorable representation having been given of the part taken by Mr Lee

in the composition of these papers, in Mr Wirt's Life of Henry, the author of the work before us was induced to apply to Mr Jay, the surviving member of this committee, for accurate information on the subject. Mr Jay's interesting letter is given in the Appendix to the work ; the inferences which it authorizes on this subject have already been stated.

On his return from Philadelphia, Mr Lee took his seat in the House of Burgesses, as the member for Westmoreland, and seconded the proposal of his friend Henry for arming the militia of the State, a measure, which he had also recommended at the general Congress. He was again designated as a member of that which was to assemble in May, 1775. Before that time arrived, the blow had been struck at Lexington, and the contest had assumed a decisive aspect. Among the first questions which presented themselves was one which arose on the application of Massachusetts for the advice of the Congress, as to 'the taking up and exercising the powers of civil government.' Some light perhaps might be thrown on the *new* doctrines of State sovereignty, by a careful comparison of the acts and measures, by which the separate Colonies proceeded, in uniting their State governments. *New* we call them, for we are quite persuaded, that the patriots and statesmen of the Revolution never conceived of the States as independent sovereigns, in the same sense that England and France are independent of each other, which is now the cant, for it deserves no better name. We have seen, on this subject, some letters written by General Joseph Warren, in the last month of his glorious existence, and addressed to Samuel Adams, then in Philadelphia. We need scarcely say that Adams and Warren were not the men to abdicate the rights of their native State. . But the controversy here, as in so many other cases, is one of words. If the parties would first decide what they mutually understand by *sovereign*, there might be no difference of opinion, how far that name was applicable either to the State or National Governments. It would appear that each of those governments possesses, and that each wants several of the attributes of simple, final sovereignty. All arguments, therefore, tending to enlarge the powers of the national government, because it is a sovereign, are fallacious ; because, though the Constitution confers many sovereign powers on the national government, it does not confer all. On the other hand, all arguments tending to enlarge the independence of the States, as being sovereigns, are equally fallacious ; because the people of

the States have ceded some of the attributes of sovereignty to the Union. The use of the term, therefore, in either case proves nothing, and will infallibly be found, in the argument, to cover a sophism.

But we have wandered into the school of metaphysical politics; let us return to the days (happier in this), when such politics were unknown. In the councils and labors of the Congress at this eventful period, Mr Lee was conspicuous. When General Washington had been unanimously chosen commander in chief of the armies raised or to be raised for the defence of American liberty, a committee was appointed to draft his commission and instructions, of which Mr Lee was the chairman. The original draft of the commission, by which General Washington was constituted general and commander in chief of the American armies of the Revolution, with an indorsement of his name on the back of it, was long in the possession of Mr Lee's family.

It would be impossible to follow our author in all his interesting details, as to the agency of Mr Lee in the affairs of the Congress. But we ought not to omit the interesting chapter of the Declaration of Independence. On the seventeenth of May, 1776, the Virginia Convention unanimously resolved, 'that the delegates appointed to represent this Colony in the general Congress, be instructed to propose to that respectable body to declare the United Colonies free and independent states, absolved from all allegiance to or dependence upon the crown of Great Britain,' &c. In pursuance of this instruction, it is understood that the Virginia delegation requested Mr Lee to make a formal motion in Congress. This was done by him, in the following words, 'That these United Colonies are and of right ought to be free and independent states; and that all political connexion between them and the state of Great Britain is and ought to be totally dissolved.' This motion was made on Friday, June the seventh. The delicacy of the subject, and the responsibility supposed to be incurred by the movers of such a resolution are, no doubt, the cause of its being entered in the Journal, without the name of the mover or seconder. The entry is in the following words; 'Certain resolutions respecting independence being moved and seconded, resolved, that the consideration of them be deferred till tomorrow morning; and that the members be enjoined to attend punctually at ten o'clock, in order to take the same into consideration.' The resolution was seconded by John Adams.

On the eighth, the Congress resolved itself into a committee

of the whole, to take into consideration the resolutions, Mr Harrison of Virginia in the chair. On Monday, the tenth, the debate was renewed, and the resolutions were reported to the Congress. The following resolve was then passed, 'That the consideration of the first resolution be postponed to the first Monday in July next, and in the mean while, that no time be lost, in case the Congress agree thereto, a committee be appointed to prepare a declaration to the effect of the first resolution,' which is in these words, 'That these United Colonies,' &c.

On the evening of the tenth, the day on which this resolve was adopted, Mr Lee received information from Virginia, that Mrs Lee was dangerously ill. This circumstance requiring his presence at home, he was obliged to ask leave of absence for a short time; and he accordingly left Philadelphia on the eleventh. It was no doubt owing to this circumstance, that he was not a member of the committee appointed to draw up the Declaration of Independence. This committee consisted of Thomas Jefferson, John Adams, Benjamin Franklin, Roger Sherman, and R. R. Livingston.

The circumstances attending the preparation of this immortal state paper, by the committee appointed for that purpose, cannot be uninteresting even in their minutest detail. We accordingly make no apology for inserting here the following extract from a letter of Mr Adams to Mr Pickering, dated August the sixth, 1822, containing the most particular statement, we believe, that has been furnished on this subject.

'Mr Jefferson came into Congress in June 1775, and brought with him a reputation for literature, science, and a happy talent at composition. Writings of his were handed about, remarkable for the peculiar felicity of expression. Though a silent member in Congress, he was so prompt, frank, explicit, and decisive upon committees, not even Samuel Adams was more so, that he soon seized upon my heart; and upon this occasion I gave him my vote, and did all in my power to procure the votes of others. I think he had one more vote than any other, and that placed him at the head of the committee. I had the next highest number, and that placed me the second. The committee met, discussed the subject, and then appointed Mr Jefferson and me to make the draft; I suppose, because we were the two highest on the list. The subcommittee met. Jefferson proposed to me to make the draft. I said, "I will not, you shall do it." [Then follows an amicable altercation on this point; but Mr Adams persisting in his refusal to make the draft], "Well," said Jefferson, "if you

are decided, I will do as well as I can." "Very well, when you have drawn it up, we will have a meeting." A meeting we accordingly had, and conned the paper over. I was delighted with its high tone, and the flights of oratory with which it abounded, especially that concerning negro slavery; which, though I knew his southern brethren would never suffer to pass in Congress, I certainly never would oppose. There were other expressions which I would not have inserted if I had drawn it up; particularly that which called the king a tyrant. I thought this too personal; for I never believed George to be a tyrant in disposition and in nature; I always believed him to be deceived by his courtiers on both sides the Atlantic, and in his official capacity only cruel.

I thought the expression too passionate and too much like scolding for so grave and solemn a document; but as Franklin and Sherman were to inspect it afterwards, I thought it would not become me to strike it out. I consented to report it; and do not now remember that I made or suggested a single alteration. We reported it to the Committee of Five. It was read; and I do not remember that Franklin or Sherman criticised anything. We were all in haste; Congress was impatient; and the instrument was reported, as I believe, in Jefferson's handwriting, as he first drew it. Congress cut off about a quarter part of it, as I expected they would; but they obliterated some of the best of it, and left all that was exceptionable, if anything in it was. I have long wondered that the original draft has not been published. I suppose the reason is, the vehement philippic against negro slavery. As you justly observe, there is not an idea in it but what had been hackneyed in Congress for two years before. The substance of it is contained in the declaration of rights and the violation of those rights, in the Journals of Congress in 1774. Indeed the essence of it is contained in a pamphlet voted and printed by the town of Boston before the first Congress met; composed by James Otis, as I suppose, in one of his lucid intervals, and pruned and polished by Samuel Adams.—*Pickering's Review*, second edition, pp. 131, 132.

On the first of July, in pursuance of the resolve of the tenth of June, which has already been mentioned, Congress went into a committee of the whole on Mr Lee's resolution, and reported it to the House. The further consideration of it was postponed till the next day, when it was finally adopted. The 'declaration concerning independence' was also discussed during these days and the day succeeding, and was, after various amendments, adopted by Congress on the fourth of July. Four

days after the adoption of the declaration, a copy of it, as originally reported, was sent by Mr Jefferson to Mr Lee, still in Virginia on account of the sickness of his wife. The document was preserved by Mr Lee, with the care which its origin and importance dictated, and is still in the possession of the author of the work before us.

The great interest attached to the minutest details on this subject have induced us to quote here, from Mr Pickering's Review, the declaration as reported and the declaration as adopted. Mr Pickering's copy of the original draft was taken from that sent by Mr Jefferson to Mr Lee, and corresponds with the one printed in the Appendix to the Memoir.

*Mr Jefferson's Draft, as reported by the Committee to Congress.*

A Declaration by the Representatives of the UNITED STATES OF AMERICA in General Congress assembled.

When in the course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self evident; that all men are created equal; that they are endowed by their Creator with inherent and inalienable rights; that among these are life, liberty and the pursuit of happiness; that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation

*The Declaration, as amended and adopted by Congress.*

A DECLARATION by the Representatives of the UNITED STATES OF AMERICA, in Congress assembled.

*This paragraph of the draft remained unaltered.*

We hold these truths to be self evident; that all men are created equal; that they are endowed by their Creator, with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation

on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence indeed will dictate that governments long established should not be changed for light and transient causes. and accordingly all experience hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. but when a long train of abuses and usurpations, begun at a distinguished period, and pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. such has been the patient sufferance of these colonies; and such is now the necessity which constrains them to expunge their former systems of government. the history of the present king of Great Britain, is a history of unremitting injuries and usurpations, among which appears no solitary fact to contradict the uniform tenor of the rest; but all have in direct object the establishment of an absolute tyranny over these states. to prove this let facts be submitted to a candid world, for the truth of which we pledge a faith yet unsullied by falsehood.

He has refused his assent to laws the most wholesome and necessary for the public good.

he has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and when so suspended, he has neglected utterly to attend to them.

on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate, that governments long established should not be changed for light and transient causes; and, accordingly, all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies; and such is now the necessity which constrains them to alter their former systems of government. The history of the present king of Great Britain is a history of repeated injuries and usurpations, all having, in direct object, the establishment of an absolute tyranny over these states. To prove this, let facts be submitted to a candid world.

*Not altered.*

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and, when so suspended, he has utterly neglected to attend to them.

he has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature ; a right inestimable to them, and formidable to tyrants only.

*Not altered.*

he has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

*Not altered.*

he has dissolved Representative houses repeatedly and continually, for opposing with manly firmness his invasions on the rights of the people.

He has dissolved representative houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

he has refused for a long time after such dissolutions to cause others to be elected, whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise, the state remaining in the mean time exposed to all the dangers of invasion from without and convulsions within.

*Not altered.*

he has endeavoured to prevent the population of these states ; for that purpose obstructing the laws for naturalization of foreigners ; refusing to pass others to encourage their migration hither ; and raising the conditions of new appropriations of lands.

*Not altered.*

he has suffered the administration of justice totally to cease in some of these states, refusing his assent to laws for establishing judiciary powers.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

he has made our judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries.

he has erected a multitude of new offices by a self-assumed power, and sent hither swarms of offi-

He has erected a multitude of new offices, and sent hither swarms of officers to harass our



cers to harrass our people, and to eat out their substance.

he has kept among us, in times of peace, standing armies and ships of war, without the consent of our legislatures.

he has affected to render the military independent of, and superior to the civil power.

he has combined with others to subject us to a jurisdiction foreign to our constitutions and unacknowledged by our laws; giving his assent to their acts of pretended legislation,

for quartering large bodies of armed troops among us;

for protecting them by a mock trial from punishment for any murders which they should commit on the inhabitants of these states;

for cutting off our trade with all parts of the world;

for imposing taxes on us without our consent;

for depriving us of the benefits of trial by jury;

for transporting us beyond seas to be tried for pretended offences;

for abolishing the free system of English laws in a neighbouring province, establishing therein an arbitrary government, and enlarging it's boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these states;

for taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments;

for suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever;

he has abdicated government here, withdrawing his governors, and declaring us out of his allegiance and protection.

people, and eat out their substance.

He has kept among us, in times of peace, standing armies, without the consent of our legislatures.

*Not altered.*

He has combined with others, to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his assent to their acts of pretended legislation,

*Not altered.*

For depriving us, in many cases, of the benefits of trial by jury;

*Not altered.*

For abolishing the free system of English laws in a neighbouring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it, at once, an example and fit instrument for introducing the same absolute rule into these colonies;

*Not altered.*

*Not altered.*

He has abdicated government here, by declaring us out of his protection, and waging war against us.

he has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people. he is at this time transporting large armies of foreign mercenaries, to compleat the works of death, desolation and tyranny, already begun with circumstances of cruelty and perfidy unworthy the head of a civilized nation.

he has endeavoured to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions of existence.

he has incited treasonable insurrections of our fellow citizens, with the allurements of forfeiture and confiscation of our property.

he has constrained others, taken captives on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

he has waged cruel war against human nature itself, violating it's most sacred rights of life and liberty in the persons of a distant people, who never offended him, captivating and carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither. this piratical warfare, the opprobrium of infidel powers, is the warfare of a *Christian* king of Great Britain. determined to keep open a market where MEN should be bought and sold, he has prostituted his negative for suppressing every legislative attempt to prohibit or to restrain this execrable commerce. and that this assemblage of horrors might want no fact of distinguished

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation and tyranny, already begun with circumstances of cruelty and perfidy, scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian savages, whose known rule of warfare is an undistinguished destruction, of all ages, sexes, and conditions.

*Struck out.*

die, he is now exciting those very people to rise in arms among us, and to purchase that liberty of which *he* has deprived them, by murdering the people upon whom *he* also obtruded them: thus paying off former crimes committed against the *liberties* of one people, with crimes which he urges them to commit against the *lives* of another.

In every stage of these oppressions, we have petitioned for redress in the most humble terms; our repeated petitions have been answered only by repeated injury. a prince whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a people who mean to be free. future ages will scarce believe that the hardiness of one man adventured, within the short compass of twelve years only, to build a foundation so broad and undisguised, for tyranny over a people fostered and fixed in principles of freedom.

Nor have we been wanting in attentions to our British brethren. we have warned them from time to time of attempts by their legislature to extend a jurisdiction over these our states. we have reminded them of the circumstances of our emigration and settlement here, no one of which could warrant so strange a pretension: that these were effected at the expence of our own blood and treasure, unassisted by the wealth or the strength of Great Britain: that in constituting indeed our several forms of government, we had adopted one common king, thereby laying a foundation for perpetual league and amity with them: but that submission to their parliament was no part of our con-

*Struck out.*

In every stage of these oppressions, we have petitioned for redress, in the most humble terms: our repeated petitions have been answered only by repeated injury. A prince whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attentions to our British brethren. We have warned them, from time to time, of attempts by their legislature, to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them, by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connexions and correspondence. They too, have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our separation, and hold them, as we hold the rest of

stitution, nor even in idea, if history may be credited: and we appealed to their native justice and magnanimity, as well as to the eyes of our common kindred, to disavow these usurpations, which were likely to interrupt our connection and correspondence. they too have been deaf to the voice of justice and of consanguinity; and when occasions have been given them by the regular course of their laws, of removing from their councils the disturbers of our harmony, they have by their free election re-established them in power. at this very time too, they are permitting their chief magistrate to send over not only soldiers of our common blood, but Scotch and foreign mercenaries to invade and destroy us. these facts have given the last stab to agonizing affection; and manly spirit bids us to renounce forever these unfeeling brethren. we must endeavour to forget our former love for them, and to hold them as we hold the rest of mankind, enemies in war, in peace friends. we might have been a free and a great people together; but a communication of grandeur and of freedom, it seems is below their dignity. be it so, since they will have it. the road to happiness and to glory is open to us too; we will climb it apart from them, and acquiesce in the necessity which denounces our eternal separation!

\*We therefore the Representatives of the United States of America, in General Congress assembled, do, in the name, and by authority of the good people of these states, reject and renounce all allegiance and subjection to the kings of Great Britain, and all others who may hereafter claim by, through, or under them; we utterly dissolve all political con-

mankind, enemies in war, in peace friends.

\*We, therefore, the Representatives of the UNITED STATES OF AMERICA, in GENERAL CONGRESS assembled, appealing to the supreme Judge of the world for the rectitude of our intentions, do, in the name, and by the authority of the good people of these colonies, solemnly publish and declare, That these United Colonies are, and of right ought to be, FREE

nection which may heretofore have subsisted between us and the parliament or people of Great Britain; and finally we do assert these colonies to be free and independent states, and that as free and independent states, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do. and for the support of this declaration, we mutually pledge to each other our lives, our fortunes, and our sacred honour.

and INDEPENDENT STATES; that they are absolved from all allegiance to the British Crown, and that all political connexion between them and the state of Great Britain is, and ought to be, totally dissolved; and that, as FREE and INDEPENDENT STATES, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which INDEPENDENT STATES may of right do. And, for the support of this declaration, with a firm reliance on the protection of DIVINE PROVIDENCE, we mutually pledge to each other, our lives, our fortunes, and our sacred honour.

In the month of August, Mr Lee returned to his post at Philadelphia and was immediately recalled to numerous important labors in the hall of Congress and in the committee rooms. In the course of the following year his health suffered, and in consequence of insinuations unfriendly to his patriotism as an American and a Virginian, the House of Assembly of Virginia, in the month of May, 1777, superseded him as a deputy to the Continental Congress. Being reelected to the Virginia Assembly as the member for Westmoreland, he demanded an investigation into his conduct. This investigation was granted, and was carried on in the House, in the presence of the Senate. The result was honorable to the purity of his character, and the address of the venerable Wythe, in pronouncing his acquittal, does equal honor to both. It is stated by our author, that the Chancellor is reported to have shed tears while delivering it.

George Mason having in the course of the season resigned his seat in Congress, Mr Lee was elected in his place and returned to Philadelphia in August 1777; but was again compelled by the state of his health, enfeebled by his laborious occupation in the public business, to return to Virginia in the month of December; nor was it till the following spring, that he was able again to give his attention in Congress, of which body he continued to be a member till the year 1780, when the critical position of affairs in Virginia induced him to retain his seat in the Assembly of that State. During the same and the following year, the incursions of the enemy in those parts of the State,

which lie on the large rivers, led Mr Lee to the active discharge of the duties, which devolved upon him, as commander of the militia of his county. In this service, he signalized his energy and skill, not less than he had done in the political councils of the country. In the two great questions, which at this time agitated the Assembly and the State of Virginia, that of making the depreciated paper money a legal tender and the obstructing of the payment of the British debts, it was the fortune of Mr Lee, who was on the negative of both these questions to be in direct collision with his colleague, Patrick Henry, who maintained the necessity and expediency of both these measures.

On the return of peace in 1783, Mr Lee resumed his seat in the Congress of the Confederation, and was chosen president of that body, of which he was for several years reelected a member. In 1787 he was one of the committee which reported the famous ordinance for the government of the territory north west of the Ohio. On the proposal of the Constitution in 1788, Mr Lee declared himself amongst the most decided opponents to its adoption. The arguments, which he employed to convince his friends of the dangerous character of this form of government, may be seen at large in the letters contained in the second volume, particularly in those addressed to Samuel Adams. Mr Lee shared the fears, which many of the soundest politicians and best patriots felt, that the National Government would prove too strong for the independence of the States. His reasonings deserve to be quoted, as part of the contemporaneous exposition of the Constitution, for it is only by comparing what was said against it with what was said for it, that we can arrive at certain knowledge of what the framers of the Constitution intended by its provisions.

The zeal and ardor, with which the friends of a strongly contested measure urge its adoption will always lead them to soften and disguise those features, which are particularly obnoxious; and on the other hand, the opponents of the measure as naturally strive to render these obnoxious traits as prominent as possible. When, therefore, we quote simply those passages from the *Federalist*, and from the debates in the various State conventions, in which the obnoxious features of the Constitution are attempted to be defended, we are in great danger of falling into error; as great at least, as if we adopted the opposite course, and judged of the Constitution, solely by what was said in disparagement of it. Still, however, neither of these sources

of exposition must be rejected. As we have already remarked, the letters of Mr Lee will add valuable matter to the stock of these contemporaneous expositions.

We will quote a single passage, in reference to the provision in the Constitution, that Congress shall have power 'to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States.' It is maintained by one school of politicians, that this provision is, of itself, sufficient to authorize Congress to do all things not prohibited by the Constitution, which the common defence and general welfare prescribe. The other school maintains, that this provision gives no grant of powers, and seeks to sustain this position by various contemporaneous expositions. The following remark of Mr Lee, in a letter to Governor Randolph, will show his opinion of this clause.

'But what is the power given to this ill constructed body? [Congress.] To judge of what may be for the *general welfare*; and such judgment, when made that of Congress, is to be the *supreme law of the land*. This seems to be a power *cocxtensive with every object of human legislation*.' Vol. II. p. 79.

Mr Lee was a member of the Senate from Virginia in the first Congress, and exerted himself to procure the adoption of those amendments, which were thought so essential to guard the rights of the States. He was not, however, successful in carrying them through, as proposed by himself and friends. The tenth amendment, which was particularly urged by Mr Lee, was proposed by him in the following form, 'The powers not *expressly* delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively.' In this amendment the word *expressly* was stricken out, before the adoption of the article; and on motion of Mr Ellsworth the words, '*or to the people*,' were added. This addition will probably be thought, on close scrutiny, to be exceedingly subtil.

Mr Lee remained in the Senate during two sessions of Congress, and became, like his friend Henry, a cordial supporter of President Washington's administration. The last act of his political life was a letter, which he wrote to the President, assuring him of his support, on occasion of a meeting of the inhabitants of Fredericksburgh to condemn the proclamation of neutrality. After the year 1792, when he was at the age of sixty, he filled no

place in the government of Virginia, or of the United States. He died on the nineteenth of June 1794, at his seat in Chantilly, Westmoreland.

Many readers will esteem the second volume the most valuable of the two, of which this work consists. It contains the correspondence of Mr Lee with his distinguished contemporaries, Washington, Lafayette, the two Adamses, Henry, Jefferson, Madison, and many others of the statesmen and patriots of the day. The arrangement of this volume is defective, not being upon any fixed principle of order; and as no index or list of contents accompanies the work, it is very difficult to recur to any particular part, or gain a general survey of the whole. This may be mentioned as a little error of authorship, or rather as a slight deficiency in the art of bookmaking, an art of which even the most judicious writer, about to usher a book into the world, ought not to be wholly ignorant. The literary execution of the work is, upon the whole, highly respectable; and such as to render the work an honorable memorial to the great man who is the subject of it. Of the typographical execution little can be said in commendation. It is coarse and slovenly, and the doing up of the two volumes is disgraceful. It is high time that the opinion of the reading community was loudly expressed on this point. For ourselves, we cannot conceive how the publishers of this work, among the first publishing houses in America, can allow a book like this to go from their press, especially with such models as the *Life of Quincy*, and that of *Otis*, to show them what style of printing the public will bear, in works of this class. Prevented as we are by a most oppressive tariff from importing foreign books, it is a subject of loud and just complaint, that our own should at once be so meanly and so extravagantly printed. The work before us is in two volumes, averaging two hundred and fifty pages each, the first of them chiefly in a loose type. For this work we are obliged to pay two dollars a volume, while three dollars for the two would be a high price.

We perceive, by a paragraph in the papers, that Mr Lee, the author of this work, has deposited in the library at Philadelphia the manuscript correspondence of his grandfather. We honor this judicious disposition of such valuable historical records. It is now full time, that valuable collections of papers should be placed beyond the reach of the accidents, to which they are exposed in private hands. We doubt not almost all our readers



have personal knowledge, within the circle of their acquaintance, of the gradual disappearance, absorption, annihilation of collections once large and precious. The history of our Revolution and constitutional organization is yet to be written. Nothing but materials have been published on this unparalleled theme. And many more materials must yet be given to the world, and perhaps another generation elapse, before the history can be written. The archives at Washington must be explored ; those of the several states thoroughly searched ; and the treasures, which are scattered about in the families of the revolutionary worthies, must be given to the world. The latter is quite as important a preliminary as either of the others. The history of the Revolution is in the letters of the great men who shone in it. It is from them alone that characters can be graduated, majorities sifted, parties unraveled, opinions historically deduced under changing names. Take for illustration the Journal of the Federal Convention. Meagre as it is at best, what would it have been without the contributions to it, furnished by General Bloomfield as executor to Mr Brearly, by Mr C. Pinckney, and by Mr Madison. Even the sketches of Chief Justice Yates, imperfect as they are, present us all that we as yet possess, in the nature of a Report of the discussions in that august body. Much more remains in manuscript, than has yet been given to the world from the papers of the revolutionary period. General Washington's have been carefully perused by Chief Justice Marshall, but a gleaning of them only appears in his work. President Adams's, Mr Jefferson's, Mr Madison's are still, and may they long so continue, in the hands of these venerable men. The hope has occasionally been indulged, that the last of them would be induced to employ a part of his honorable leisure, in arranging the materials for a history of those momentous periods of our political history, with which no man living is so well acquainted as himself. To General Hamilton's papers we have already alluded, and trust the time is not far distant, when they will be made to contribute to the general stock of the materials for our independent history.

Such a subject, as that which this history presents, is nowhere else in the range of ages to be pointed out. Beginning with the first steps of the new colonial policy of Britain toward America, in 1764, and brought down to the adoption of the Constitution, and organization of the government in 1790, it is a theme of epic unity and grandeur. It comprehends every kind of interest ;

politics alternately of the subtlest and of the most expansive school; the action and reaction upon each other of the mature political strength of the English Cabinet, and the adolescent energy of America. It is filled with characters, with incidents; the senate house rings with an eloquence, like that which was wont to be heard in the storms of the old commonwealths; strains of exhortation and resolute responses echo to each other across the Atlantic; in the shifting scenes of the war, all the races of man and the stages of civilization are mingled, the British veteran, the German mercenary, the gallant Chevaliers of Poland and France, the hardy American yeoman, the mountaineer, the painted savage. At one moment the mighty fleets of Europe are thundering in the Antilles; at the next, the blue eyed Brunswickers, the veterans of the Seven Years' War, are seen winding down from the Canadian frontier, under the command of an English Gentleman, to capitulate to the American militia; peace is made; thirteen republics stand side by side on the Continent, bleeding from the wounds of war, tremblingly alive for the independence, which their labors and agonies had gained them; the trial of war has been borne, that of peace succeeds; a Constitution is proposed, is discussed, is adopted; a new life is breathed by it into the exhausted channels of the nation, which starts from that moment in a career of prosperity so rapid, so resistless, so adventurous, that the reality every day puts our brightest visions to shame. And this astonishing drama of events was the work of our days; its theatre was our beloved country; its immortal actors were our fathers.

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ART. VII.—*The Rebels, or Boston before the Revolution.* By THE AUTHOR OF HOBOMOK. Boston. Cummings, Hilliard, and Co. 12mo. pp. 304.

WE are glad to see that the author of *Hobomok*, whom we understand to be a lady, has resumed her pen. That interesting little tale made its way to the public favor solely by its own merits, and was scarcely noticed by our critics, till their opinions had been rendered of little consequence by the decision of the literary community. Whatever objections may be made to the mode in which the story is conducted, and the catastrophe pro-

duced, it cannot be denied, that these faults are abundantly redeemed by beauties of no ordinary value. In graphic descriptions of scenery, in forcible delineations of character, in genuine pathos, we think *Hobomok* may be safely compared with any work of fiction, which our country has produced. It was natural, therefore, that the expectations of the public should be highly excited, by the appearance of another work from the same hand; and, in fact, a new novel has rarely been seized upon with greater avidity.

The author has paid the usual price of an early reputation, that of being compelled to use redoubled exertions in order to prevent it from fading. We cannot venture to say, that her laurels have lost none of their freshness by the present attempt, but on the other hand, we think that her failure is only a partial one, and that it may be ascribed to other causes than want of ability. In the first place, the choice of the subject is singularly unfortunate. The era of *Hobomok* was fixed in so remote a period, that the author was entirely exempted from any necessity of adhering to historical truth in her narration of events. Her incidents are almost entirely the offspring of her own fancy, and her personages may every one of them be considered as fictitious; for though we find in history the names of Governor Endicott, of Lady Arabella, of Corbitant, and *Hobomok*, yet so little is generally known of their respective characters, that the author could invest every one of them with such qualities as she might deem expedient, without doing violence, for a single moment, to the recollections of her readers.

But the scene of the work before us is fixed, as its title indicates, in Boston, a few years previous to the American Revolution, and the author has incorporated into her story many public events of that recent and interesting period, and introduced among her *dramatis personæ* such well known public characters, as Samuel Adams, James Otis, Governor Hutchinson, and Mather Byles. It is manifest, therefore, that instead of choosing a period and a scene, which would have given full play to her powerful fancy, she has voluntarily shackled it with no light impediments, and undertaken a task, beneath which even the genius of the Unknown might have faltered without disgrace.

In fact, this work is in a great degree a mere copy from real history, a narrative of events possessing an interest which fiction can do little to heighten, a repetition of political sentiments, which we find expressed with far more force and eloquence in the

writings of Adams and of Quincy, and which are as familiar to the mind of every New England reader, as the simplest elements of morality. These defects were almost forced upon our author by her injudicious choice of a subject. There are others, however, which cannot be fairly ascribed to the same cause.

The narrative is greatly deficient in simplicity and unity, and is not so much one story as a number of separate stories, not interwoven, but loosely tied together. Every prominent character is introduced with a long genealogy, and we feel something of the same embarrassment, in tracing their several histories, and preventing them from mingling with each other in our recollections, which a lawyer experiences in hunting down a title, through a number of long and intricate conveyances. The author, in short, seems to have been perplexed by the richness of her inventive powers, and has crowded into a short volume, a sufficient quantity of incidents to form the groundwork of half a dozen respectable novels. We think it the more necessary to comment on this fault, because no point has been so much neglected, by the writers of historical romances, from the author of *Waverley* downwards, as the management of their narrative; and we have even seen it maintained by critics as an axiom, that the story of a novel is of as little consequence, as the frame of a picture, or the thread of a pearl necklace. It would be easy to oppose simile to simile, and to speak of the difference between a regular and magnificent structure, and a confused pile of splendid materials, but we prefer submitting the question without argument to the taste of the public.

This profusion of incidents and want of method are, however, neither the only nor the greatest faults in the narrative of the *Rebels*. Almost every reader, we believe, will be dissatisfied with the manner in which the author has thought proper to wind up the history of Lucretia. This character is perhaps better drawn than any other in the whole work. It has ever been considered, as one of the most difficult problems in novel writing, to render a heroine interesting without beauty; and the success with which this is done, in the present instance, is of itself a sufficient proof of no ordinary talents. From the first moment of her appearance, to her rejection of Somerville at the altar, Lucretia maintains a powerful hold on our feelings. Had her story then closed, or had she then been consigned, like her friend Grace, to an early grave, or to a hopeless celibacy, we believe that every reader would have been amply gratified;

but to see her, after all, comfortably married, excites much the same benevolent disappointment in all lovers of true sentiment, as is manifested in many of our public prints, when a long expected duel is prevented by an amicable arrangement, in which case, as we have heard it aptly said, 'the *generous public* will be satisfied with nothing but bloodshed.' To speak rather more seriously, the marriage between the high spirited Lucretia and a lover whom she had once rejected, bespeaks more of the prudent calculation of real life, than of the romantic dignity, which we are accustomed to exact from the heroes and heroines of the world of fiction.

A still more serious objection may be made to the incident, which takes place in the tomb of the Osbornes. The introduction of such a circumstance reminds us of some of the worst passages of Crabbe; and it is surely better to leave our feelings untouched, than to attempt to move them by such revolting and shocking objects.

We have now pointed out the principal faults of the author with a freedom, which we have thought it our duty to use. Had she produced merely a dull and insipid work, we should have left it to sink quietly into oblivion, without attempting to arrest or to accelerate its progress. But as we have before intimated, her faults are evidently those, not of a feeble, but a misguided intellect; and this work is, after all, a production of great merit. In the first place, the style is pure and elegant, and equally free from affectation and carelessness. Besides, whatever objections may be made to the work, as a regular and harmonious whole, no one can deny that it abounds in passages, which, taken by themselves, are strikingly beautiful and interesting. The description of the mob, which destroyed Governor Hutchinson's library, is drawn with the hand of a master. The sermon of Whitefield is executed with great felicity, and is in exact keeping with the character of that eloquent and untutored enthusiast. To these passages, we may add the following account of the procession of the nuns, in the convent at Quebec. The clause which we have marked in italics is a little finical.

'An old priest, exceedingly lazy in his manner, and monotonous in his tone, was reading mass, to which most of the audience zealously vociferated a response.

'An arch, ornamented with basso relievo figures of the saints, on one side of the chancel, surmounted a door, which apparently led to an interior chapel; and beneath a similar one, on the op-

posite side, was a grated window, shaded by a large, flowing curtain of black silk.

‘Behind this provoking screen were the daughters of earth, whom our traveller supposed to be as beautiful as angels and as pure.

‘For some time a faint response, a slight cough, or a deep drawn sigh, alone indicated the vicinity of the seraphic beings.

‘At length, however, the mass, with all its thousand ceremonies, was concluded. There was silence for a moment, and then was heard one of the low, thrilling chants of the church of Rome.

‘There was the noise of light, sandalled feet. The music died away to a delicious warbling, *as faint and earnest as woman’s entreaty*; then gradually rising to a bold, majestic burst of sound, the door on the opposite side opened, and the sisterhood entered amid a glare of light.

‘That most of them were old and ugly passed unnoticed; for whatever visions an enthusiastical imagination might have conjured up, were certainly realized by the figure that preceded the procession.

‘Her forehead was pale and lofty, her expression proud, but highly intellectual. A white veil, carelessly pinned about her brow, fell over her shoulders in graceful drapery; and as she glided along, the loose white robe, that constituted the uniform of her order, displayed to the utmost advantage that undulating outline of beauty, for which the statues of Psyche are so remarkable.

‘A silver crucifix was clasped in her hands, and her eyes were steadily raised toward heaven; yet there was something in her general aspect from which one would have concluded, that the fair devotee had never known the world, rather than that she had left it in weariness or disgust.

‘Her eye happened to glance on our young friend, as she passed near him; and he fancied it rested a moment with delighted attention.

‘The procession moved slowly on in pairs, the apostles bearing waxen lights on either side, until the last white robe was concealed behind an arch at the other end of the extensive apartment.

‘The receding sounds of “O sanctissima, O purissima,” floated on the air, mingled with clouds of frankincense; and the young man pressed his hand to his forehead with a bewildered sensation, as if the airy phantoms of the magic lanthorn had just been flitting before him.’ pp. 116, 117.

The following is a picture of a more amusing nature. How

far it is a correct likeness is a point which we must leave to the decision of our elders.

‘On the ensuing sabbath, Somerville joined the young ladies on their way to Hollis street. The crowd presented a strange contrast to the congregations of the present day. Here and there a taper waisted damsel, glittering in embroidered brocade, with flowers even larger than life; while close by her side walked the dandy of that period, with bright red waistcoat, leather small-clothes, and enormous buckles sparkling in the sun. Then followed a humble dame, with rustle gown and checked apron, leading a reluctant urchin, stumbling along with his little three cornered scraper; the tears still trickling down his cheeks, forced from him by the painful operation of being shoved and shaken into his tight breeches for the first time. In the rear came an older boy, alternately casting an envious eye on the trim little fellow before him, and a despairing glance at his own clothes, which, drenched by repeated rains, hung in slovenly folds about his ancles.’ p. 78.

The finest passages of this volume, however, as well as of *Hobomok*, are those of a pathetic kind. We refer as proofs of the author’s talents in this department of composition, to the interview between Grace and Lucretia, in which the latter first discovers the fatal secret of Somerville’s duplicity. The description of the deathbed of Grace is distinguished by beauties of the same kind.

‘Grace, agitated by these events, and her slight form daily becoming more shadowy, seemed like a celestial spirit, which having performed its mission on earth, melts into a misty wreath, then disappears forever.

‘Hers had always been the kind of beauty that is eloquence, though it speaks not. The love she inspired, was like that we feel for some fair infant which we would fain clasp to our hearts in its guileless beauty; and when it repays our fondness with a cherub smile, its angelic influence rouses all there is of heaven within the soul. Deep compassion was now added to these emotions; and wherever she moved, the eye of pity greeted her, as it would some wounded bird, nestling to the heart in its timid loveliness.

‘Every one who knew her, felt the influence of her exceeding purity and deep pathos of character; but very few had penetrated into its recesses, and discovered its hidden treasures. Melody was there, but it was too plaintive, too delicate in its combination, to be produced by an unskilful hand. The coarsest minds felt its

witching effect, though they could not define its origin ;—like the servant, mentioned by Addison, who drew the bow across every string of her master's violin, and then complained that she could not, for her life, find where the tune was secreted.

‘Souls of this fine mould keep the fountain of love sealed deep within its caverns ; and to one only is access ever granted. Miss Osborne's affection had been tranquil on the surface, but it was as deep as it was pure. It was a pool which had granted its healing influence to one, but could never repeat the miracle, though an angel should trouble its waters.

‘Assuredly, he that could mix death in the cup of love, which he offered to one so young, so fair, and so true, was guilty as the priest who administered poison in the holy eucharist.

‘Lucretia, now an inmate of the family, read to her, supported her across the chamber, and watched her brief, gentle slumbers, with an intense interest, painfully tinged with self reproach. She was the cause of this premature decay,—innocent indeed, but still the cause. Under such circumstances, the conscience is morbid in its sensibility, unreasonable in its acuteness ; and the smiles and forgiveness of those we have injured, tear and scorch it like burning pincers.

‘Yet there was one, who suffered even more than Lucretia, though he was never conscious of giving one moment's pain to the object of his earliest affection. During the winter, every leisure moment which Doctor Willard's numerous avocations allowed him, was spent in Miss Osborne's sick chamber ; and every tone, every look of his, went to her heart with a thrilling expression, that seemed to say, “Would I could die for thee. Oh, would to God I could die for thee.”

‘Thus pillowed on the arm of friendship, and watched over by the eye of love, Grace languidly awaited the returning spring ; and when May did arrive, wasted as she was, she seemed to enjoy its pure breath and sunny smile. Alas, that the month which dances around the flowery earth, with such mirthful step and beaming glance, should call so many victims of consumption to their last home.

‘Towards the close of this delightful season, the invalid, bolstered in her chair, and surrounded by her affectionate family, was seated at the window, watching the declining sun. There was deep silence for a long while ; as if her friends feared that a breath might scare the flitting soul from its earthly habitation. Henry and Lucretia sat on either side, pressing her hands in mournful tenderness ; Doctor Willard leaned over her chair, and looked up to the unclouded sky, as if he reproached it for mocking him with brightness ; and her father watched the hectic flush upon her



cheek, with the firmness of Abraham, when he offered his only son upon the altar. Oh, how would the heart of that aged sufferer have rejoiced within him, could he too have exchanged the victim!

‘She had asked Lucretia to place Somerville’s rose on the window beside her. One solitary blossom was on it; and she reached forth her weak hand to pluck it; but its leaves scattered beneath her trembling touch. She looked up to Lucretia, with an expression which her friend could never forget, and one cold tear slowly glided down her pallid cheek. Gently as a mother kisses her sleeping babe, Doctor Willard brushed it away; and turning hastily, to conceal his quivering lip, he clasped Henry’s hand with convulsive energy, as he whispered, “Oh, God of mercies, how willingly would I have wiped all tears from her eyes.”

‘There is something peculiarly impressive in manly grief. The eye of woman overflows as readily as her heart; but when waters gush from the rock, we feel that they are extorted by no gentle blow.

‘The invalid looked at him with affectionate regret, as if she thought it a crime not to love such endearing kindness; and every one present made a powerful effort to suppress painful, suffocating emotion.

‘Lucretia had a bunch of purple violets fastened in her girdle, and with a forced smile she placed them in the hands of her dying friend.

‘She looked at them a moment with a sort of abstracted attention, and an expression strangely unearthly, as she said, “I have thought that wild flowers might be the alphabet of angels, whereby they write on hills and fields mysterious truths, which it is not given our fallen nature to understand. What think you, dear father?”

“I think, my beloved child, that the truths we do comprehend, are enough to support us through all our trials.”

‘The confidence of the Christian was strong within him, when he spoke; but he looked on his dying daughter, the only image of a wife dearly beloved, and nature prevailed. He covered his eyes and shook his white hairs mournfully, as he added, “God in his mercy grant that we may find them sufficient in this dreadful struggle.”

‘All was again still, still, in that chamber of death. The birds sung as sweetly as if there was no such thing as discord in the habitations of man; and the blue sky was as bright as if earth were a stranger to ruin, and the human soul knew not of desolation. Twilight advanced, unmindful that weeping eyes watched her majestic and varied beauty. The silvery clouds that composed

her train, were fast sinking into a gorgeous column of gold and purple. It seemed as if celestial spirits were hovering round their mighty pavilion of light, and pressing the verge of the horizon with their glittering sandals.

‘Amid the rich, variegated heaps of vapor, was one spot of clear, bright cerulean. The deeply colored and heavy masses which surrounded it, gave it the effect of distance, so that it seemed like a portion of the inner heaven. Grace fixed her earnest gaze upon it, as the weary traveller does upon an Oasis in the desert. That awful lustre which the soul beams forth at its parting, was in her eye, as she said, “I could almost fancy there are happy faces looking down to welcome me.”’

‘“It is very beautiful,” said Lucretia, in a subdued tone. “It is such a sky as you used to love to look upon, dear Grace.”’

‘“It is such a one as *we* loved,” she answered. “There was a time when it would have made me very happy; but—my thoughts are now beyond it.”’

‘Her voice grew faint, and there was a quick gasp, as if the rush of memory was too powerful for her weak frame.

‘Doctor Willard hastily prepared a cordial, and offered it to her lips. Those lips were white and motionless; her long, fair eyelashes drooped, but trembled not. He placed his hand on her side; the heart that had loved so well, and endured so much, had throbbled its last.’

We close this article in the hope of soon hearing again from the same quarter. We shall be happy if our remarks should induce the author to select, for her future attempts, such subjects as will give full scope to the talents, which she indisputably possesses, and to bestow a little more care on the construction of her story, and especially on the unraveling of her plot. But at any rate, we trust, that she will not be discouraged from pursuing her literary labors, as we believe, that when the first feelings of disappointment shall have passed away, the present work, notwithstanding its many defects, will hold a high rank in the estimation of all admirers of descriptive and pathetic eloquence.

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ART. VIII.—*Sketches of Algiers, Political, Historical, and Civil; containing an Account of the Geography, Population, Government, Revenues, Commerce, Agriculture, Arts, Manufactures, Tribes, Manners, Languages, and recent Political Events of that Country.* By WILLIAM SHALER, American Consul General at Algiers. Boston. Cummings, Hilliard, and Co. 1826. 8vo. pp. 308.

DURING the last three centuries, the Algerine government has exercised no small degree of influence in the affairs of Europe; and yet few countries on the globe, visited by civilized men, have been less known, than that region on the south shore of the Mediterranean, denominated the Kingdom of Algiers. A hundred years ago, Dr Shaw resided twelve years in the city of Algiers, as Chaplain to the English factory there, and his learned book of travels affords almost the only source of information, which has since been resorted to. As a work illustrating the classical history and antiquities of the country, this is undoubtedly most accurate and judicious; but it throws very little light on the origin, progress, and character of the Algerine government, its maxims, policy, and aims, its sustaining force and effects; nor on the manners and habitudes of the people, their social and moral condition, their agriculture and commerce, institutions, intelligence, and pursuits. Dr Shaw was a scholar and antiquarian, but not a practised observer of human affairs, nor a politician. This may be said, without detracting from his great merits in the departments of learning, and branches of inquiry, in which he is universally acknowledged to have excelled.

But since the time of Dr Shaw, many changes have occurred in Algiers, of which history has taken but an imperfect record, and which have operated with a decided influence on the people and the forms of government. Nor, indeed, is it too much to say, that there has been as little known to the world at large, down to the present day, about the internal state of Algiers, as of its condition when the chief power was usurped by the elder Barbarossa, or when the romantic enterprise of Charles the Fifth, in attacking the city, met with so signal and ruinous a defeat. In the midst of this poverty of knowledge respecting a nation, which, however unjustly, with whatever violation of the sacred laws of humanity, has been allowed to play a conspicuous part for centuries in European politics, it is gratifying, that

a gentleman of Mr Shaler's qualifications and opportunities should have given his thoughts to the subject, and laid before the world the results of his observations and long experience. He has resided ten years in Algiers, as Consul General from the United States, and in that capacity been engaged in important negotiations with the government, and enjoyed every possible advantage for acquiring information. His work was written on the spot. He has studied the policy of the civilized governments, in their intercourse with the Barbary powers, and become familiar with the springs, which have moved the Christian nations to their extraordinary and persevering alliances with these hordes of pirates, and professional plunderers of the human race. Mr Shaler has drawn aside the veil, which concealed these dark and disgraceful proceedings, and shown, that the piratical states themselves have always existed, as a mere mockery of properly and legally organized governments, the deep reproach of a civilized age; and he has, moreover, shown, that the European powers, in courting and sustaining treaties of alliance with them, have been actuated, could be actuated, by no other than the lowest motives of selfishness, jealousy of rival influence, and mercenary aims.

There never was a time, when any one of the great maritime powers of Europe could not have routed these bands of pirates from their strong holds, driven them into the deserts, or expelled them, as enemies of the human kind, from the face of the earth. Yet they have been suffered to exist, to assume rights, to claim the dignity and privilege of civilized governments, to make treaties and break them at will, to prey upon the commerce of every nation, to enslave their prisoners, exact tribute, levy exorbitant contributions, impose degrading terms of submission, and, in short, to commit every act of infamy and injustice, to which their cupidity and daring spirit of evil prompted them. All these things have been quietly endured, nay, winked at, encouraged, promoted, by the nations themselves who were the subjects of these shameless insults, and whose duty it was for their own honor, and the honor of human nature, to punish such gross infractions of right, and crush the audacious power that dared commit them.

The existence of the piratical states of Barbary, as governments tolerated by civilized nations, is an anomaly in the history of the world. They have never, till very recently, made any pretensions to an observance of the laws of nations. Their

primary political maxim has been, that they were naturally at war with all Christian nations, who did not purchase a peace at a heavy price, and maintain it by a degrading annual tribute. This was the way the United States first made peace with them, and to our shame be it spoken, we were tributaries to these despicable robbers till within the last twelve years. But not only did they trample on the laws of nations, in this fundamental article of peace and war, but they made slaves of their prisoners, and demanded for them an exorbitant ransom. Treaties they regarded not, any longer than it suited their convenience. A pretext for breaking a treaty was always at hand, and from that moment war was understood to exist, without any previous declaration or notice to the other party concerned. Then the Corsairs began their depredations, scoured the Mediterranean, seized every vessel that came in their reach, and brought it into port, where the cargo was confiscated, and the crew condemned to slavery. Instead of chastising such an outrage, as its infamy deserved, the insulted nation deemed it policy to sue again for peace, to pay an enormous sum by special agreement and in presents as the price of conciliation, to redeem the prisoners in slavery, and submit to the humiliating condition of sending an annual tribute to a band of freebooters. Thus were treaties made and broken merely as a means of plunder, and thus did the mutual jealousies, the contemptible policy, of the European powers, not only give countenance to each other in such humbling practices, but maintain in their consequence for ages these bloodthirsty enemies of the human family.

Mr Shaler's work is confined to the kingdom of Algiers, touching on the other Barbary states only as they bear a general analogy to this. He begins with a geographical view of the country ; its soil, productions, and population. He then comes to its history and form of government ; political and civil institutions ; finances, army, and navy ; its piratical character, and political relations with foreign powers. Next we have a description of the city of Algiers, its topography, fortifications, public edifices, private dwellings, and streets ; its commerce, wealth, and police ; the character and manners of the people, their arts and manufactures, and the condition of the Christian and Jewish residents. Then follows a description of the various tribes inhabiting the kingdom of Algiers, their peculiarities, religion, and languages ; and also a very animated sketch of the history of the Algerine government during the last fifteen years. The main body of

the work is closed by some interesting reflections of the author on the probable destiny of that country, as highly favored by nature, as it is miserably degraded by its government. A supplementary chapter contains extracts from the American Consular Journal kept at Algiers, narrating a series of curious events, illustrative of the genius of the government, and its habits of intercourse with foreigners. In the Appendix are thrown together several documents of value.

The territory usually known as the Kingdom of Algiers, stretches along the south shore of the Mediterranean about five hundred miles, from the eastern border of the Empire of Morocco, to the western boundary of Tunis. Its breadth inland from the sea is very uncertain, but is supposed to vary from forty to a hundred miles. The surface thus included, by Mr Shaler's estimate, is in extent about thirty thousand square miles, being not quite half as large as the state of Virginia. The amount of population is not known, as no enumeration has been taken, but our author considers it not far from a million. This would make thirtythree persons to a square mile, or about the average of the state of Delaware. This region embraces ancient Numidia, and that part of Mauritania Tingitana, which, after its conquest by Cæsar, was called Mauritania Cæsariensis. It was the land of heroic deeds, the domain of powerful kings, renowned for its opulent cities, and brave, though artful and treacherous inhabitants. At length it was subdued by the arms of Rome, and became a dependent province of that empire. It was here that the Romans fought and conquered

Numidia's hardy troops,  
Mounted on steeds, unused to the restraint  
Of curbs and bits, and fleetier than the winds.

Sallust, the historian, was once governor of this province; and to this circumstance, probably, we are indebted for his beautiful history of the wars in Africa. The celebrated Christian Father, Augustin, was also born in this region, and resided, as bishop of Hippo, in the eastern part of Algiers, near the present site of Bona.

Nature has been bountiful here; the climate is agreeable and salubrious; the surface of the country is variegated with hills and valleys; the soil is fertile, yielding abundantly the products of the most favored climes. The industry and moral energies of man, and a government giving scope to these, are all that is wanting to build up communities of prosperous and happy peo-

ple. Internal protection, and external commerce, unshackled by monopolies and vexatious restrictions, would make this belt of land between Mount Atlas and the Mediterranean sea, one of the most productive, wealthy, and populous portions of the globe. Wheat and barley are cultivated with success; olives and dates are abundant, and of the best quality; and also the walnut and chesnut, figs, pomegranates, grapes, and other fruits of temperate climates. The only metallic products as yet discovered are iron and lead. Fossil salt is found in the mountains. As the country is well watered by springs and small streams, though not abounding in rivers, it affords excellent pasturage and facilities for the rearing of camels, horses, neat cattle, sheep, goats, and other domestic animals. Wool is now an important article of commerce. The various species of the winged tribe and of game, usual in similar climates of other countries, are common here. But on this topic we need not enlarge; Numidia is famed in ancient story for its fine climate and productive soil; nor, during the long ages in which this soil has been defiled with human bloodshed, and disgraced by the monsters nourished by it, has nature withdrawn her gifts, or turned away her smiles.

Man seems the only growth that dwindles here.

Little profit would be gained in pursuing the thread of Algerine history from the Romans downward. These proud conquerors of the world were driven from their African possessions by the Vandals, and these again were expelled by the great general, Belisarius, under the Emperor Justinian, about the middle of the sixth century. A hundred years afterward another revolution was effected by the Saracens. From that time till the beginning of the sixteenth century, a veil of darkness is spread over human events in the north of Africa, through which we dimly discover various tribes of Arabs, the Zinhagians; the Zeneti, and the Marabouts, contending with the Saracens and with one another, for the mastery of the country. Meantime the Spaniards made incursions, and established themselves at Oran, and other cities in the neighborhood of that place; and this period, that is, the early part of the sixteenth century, presents an important era in Algerine history.

Among the renowned personages of that day were Horuç and Hayradin, sons of a potter in the Isle of Lesbos, whose restless spirit drove them to the perilous and thrifty occupation

of pirates. In this calling they gained fame and wealth, collected a strong naval force, ravaged the seas, and spread the terror of their name in every corner of the Mediterranean. Horuc, the elder brother, was called Barbarossa, and this chief of the pirates was the ally to whom Eutemi, king of Algiers, applied to aid him in expelling the Spaniards from Oran. The proposal was joyfully accepted by Barbarossa, who repaired immediately to Algiers with five thousand men. He was received with enthusiasm, and, by his profuseness and artifices, so strong a footing did he gain with the people, that he murdered Eutemi, usurped his authority, and declared himself king of Algiers. He ruled with cruelty, and made war on the king of Tremecen, whom he vanquished, and whose dominions he seized. Two years after his usurpation, he was slain by the Spaniards, in attempting to escape from Tremecen.

His brother Hayradin, not inferior to him in talents and ambition, succeeded to the throne of Algiers. He was likewise called Barbarossa. Thus the dynasty of the pirates was established, and from that day to this the sceptre of empire, however legitimate may have been the descent of power, has been wielded by the hand of a pirate. This second Barbarossa, finding himself harassed by the Arabs and Moors on one side, and by the Spaniards on the other, sought the protection of the Grand Seignior, and Algiers became a dependency of the Ottoman Porte. This relation has subsisted under various modifications ever since. It was a wise step for Barbarossa; he obtained forces to drive away his enemies, and even strengthened his power by conquests. His successful attack on Tunis, and his subsequent expulsion from that city by Charles the Fifth, are curious events in the history of those times; and not less so is the hazardous expedition of Charles against Algiers, five or six years later, in conjunction with the great admiral, Andrew Doria, which terminated in a disastrous and total failure.

Barbarossa was raised to the dignity of Bashaw of the empire, and a new viceroy appointed over Algiers. The Porte exercised the power of appointing governors, till the beginning of the seventeenth century, when the Algerines, weary of the oppression of their foreign masters, obtained the privilege of choosing their own governors, who were from that period called *Deys* by Europeans. They still paid tribute to the Grand Seignior, and submitted to the authority of the Bashaws appointed by him; but in the year 1710, they expelled the Turkish Bashaw, and from



that time the powers of this office were united with that of the Dey, and the form of government was instituted, which has continued to the present time.

The Algerine government, as it now exists, cannot be better described, than in the words of Mr Shaler.

‘It is in fact,’ says he, ‘a military republic with a chief elective for life, and upon a small scale resembling that of the Roman Empire after the death of Commodus. This government ostensibly consists of a sovereign chief, who is termed the Dey of Algiers, and a Divan, or great Council, indefinite in point of number, which is composed of the ancient military who are or have been commanders of corps. The Divan elects the Deys, and deliberates upon such affairs as he chooses to lay before it.

‘Such is the theory of the Algerine Government. The credit and importance of the Divan would naturally vary according to the character and abilities of the reigning sovereign; it was formerly a real corps in the state, held regular sessions, had funds attributed to it, and claimed to determine upon all the measures of government; but it has dwindled into a mere phantom; its existence even would be doubtful if, in the year 1816, Omar Pashaw had not formally convened the Divan to deliberate upon the negotiations of the Regency with Great Britain. Since the removal of the residence of the Deys of Algiers into the Citadel, the Divan may be regarded as a dead letter in their constitution. The Dey appoints his own ministers, which are the Hasnagée, whose authority extends over the national finances and interior concerns; the Aga, who is commander in chief, and may be termed minister of war; the Vikel Argée, or minister of marine and foreign affairs; the Khodgia de Cavallas, who may be denominated Adjutant General, and superintendent of the national domain; and the Bet el Mel, or judge of inheritances. The post of the latter functionary has risen to great consideration on account of its pecuniary importance. These ministers form the cabinet council of the sovereign, and with him constitute in fact the real government of Algiers, free of any control by the pretended Divan. The election of the Deys of Algiers should be confirmed by the Grand Seigneur, who is their acknowledged Suzerain (paramount lord). This recognition is never refused, and is by custom given with the rank of Bashaw of three tails, which is his ordinary title. That of Dey is hardly known in Algiers, and is used only by foreigners; it was probably originally a nickname, as its literal meaning in the Turkish language is simply, “uncle.”

‘The Deys of Algiers assume and exercise all the rights of

sovereign authority immediately on their election; their solemn installation takes place only when they receive the firman of the Grand Sèignior recognising their election, with the Kaftan and sabre of state, which are usually sent as soon as may be by a Capidgi Bashi or state messenger. In times of prosperity Algiers sends a present to the Grand Seignior once in three years, which is usually transported there with their ambassador by a foreign ship of war; and such is still the credit of the Regency, that it is always the government most favored here, which obtains this mission as a mark of honorable preference. This present is always magnificent, often amounting in value to half a million of dollars; and it appears to be the only dependence which they recognise upon the Ottoman government, whose flag even, in the intoxication of their fancied power, they have not always respected. In return for these presents the Porte usually sends them a vessel of war, with military and naval stores, &c. and gives them permission to recruit in its dominions.

Though the election of the Dey of Algiers is by the institutions of the Regency vested in the Divan, it is usually the result of the intrigues of a predominant faction amongst the Janissaries, and is generally a sanguinary tragedy. A Dey is murdered to make room for some more fortunate adventurer; his immediate friends and adherents perish, or are plundered and exiled, and the public business or tranquillity is not interrupted beyond twentyfour hours. These revolutions succeed each other with a rapidity, which can hardly be credited by those who are unacquainted with the barbarous character and manners of the Turks. A Dey of Algiers, while alive, is the most despotic and implicitly obeyed monarch on earth; but his reign is always precarious, and it is by *mere accident* if he dies a natural death. Any Turk who has been regularly enrolled in the corps of Janissaries is eligible to the eminent post of Dey, except the natives of Bosnia and of Crete; no other qualifications are required, and the caprice of fortune has sometimes raised the most obscure and ignoble characters to the throne. Tradition points out the graves of seven adventurers who were raised to the throne and perished on the same day; as a mark of contempt they were interred in the public highway. Neither can a person elected refuse or resign the honor of ruling in Algiers; he must either reign or perish.' pp. 16—19.

The kingdom of Algiers is divided into three provinces, Oran on the west, Titterie in the middle, and Constantine on the east. Each of these provinces is governed by a Bey appointed by the Dey. These subordinate officers rule with the same despotic

sway as their sovereign. They are required to collect the taxes from the people, and once in three years to appear in person at the seat of government, when they are expected to give enormous presents to all the persons high in power, to secure their own continuance in office. 'I am informed on respectable authority,' says the author 'that each visit of the Beys of Oran and Constantine costs to those governors not less than three hundred thousand dollars. On these occasions it is necessary to bribe all the officers of the Regency, according to the different degrees of their credit and influence. No part, however, of these extraordinary contributions goes into the public treasury.' Here we have the secret of the extreme oppression, practised by these Beys on the people. The continuance of their office depends on their success in plundering those under them, and on this principle is the administration of government conducted through all its departments, from the highest to the lowest. Power is employed to sustain itself, by extorting from the weak the means of bribing the more powerful, and this in addition to the amount necessary to gratify the rapacity of the subordinate officers themselves.

The government of Algiers exhibits a very extraordinary peculiarity, as to the mode in which it is perpetuated. It is a rule seldom violated, that all the principal officers shall be taken from among the foreigners, who have been incorporated into the body of Janissaries. The desire of establishing a hereditary succession, or of keeping up a family influence, which has been so strong in other ages and countries, and which may perhaps be considered a trait deeply seated in human nature, seems never to have shown itself here. Children derive no consequence from the station their fathers have held; and the whole mass of the natives of the country, that is, nearly a million of people, have submitted for three centuries to be ruled and scourged by a handful of foreigners, consisting of Turks and renegadoes collected commonly from the most worthless population in the Levant, who, as Mr Shaler says, 'are generally the sweepings of prisons, and the refuse of society in those barbarous countries.' The number of these foreigners now embodied in Algiers is about four thousand.

'Agents are maintained by the Regency in Constantinople and Smyrna to engage recruits and charter vessels for their transportation hither. On their arrival they become *ipso facto* soldiers, are denominated Janissaries, and are incorporated into the differ-

ent barracks of the city, to which they are supposed to belong during life, whatever may be their subsequent fortunes. In these quarters, if not called by some happy accident into the administration, they rise by seniority to the highest grade of pay, and become members of the pretended Divan; where they must be very inept indeed, if they do not obtain some profitable employment.

‘The pay of the Janissaries at its commencement, on their arrival as recruits from the Levant, hardly exceeds half a dollar per month, but by length of service is gradually increased to about eight dollars, which is the maximum. Of late years, however, it has been a common practice of the Deys of Algiers to augment the pay of the Janissaries, in order to enhance their popularity. A corps thus constituted, is of course always ripe for a revolution. Their rations consist of about two pounds of indifferent bread daily, and all who are unmarried are lodged in very spacious and commodious barracks; they find their own clothing, and their own arms and ammunition, which latter are furnished to them by the government at moderate prices. A Janissary, when equipped for battle, has one or more pairs of large pistols in his belt, with his scimitar or yatagan, a dagger in his bosom, and a long musket on his shoulder; all which are as highly ornamented as his circumstances will permit. When, costume included, he is not unfairly represented by the knave of diamonds in a pack of cards.’ pp. 27, 28.

From this description of persons the Deys are chosen, and all the great officers of state appointed.

The military establishment is composed of natives, as well as Turks, and amounts to about fifteen thousand men. They are stationed in different parts of the country, and employed chiefly in collecting the revenue. These are distinct from the Janissaries, and very loosely organized. The naval force consists of three frigates, two corvettes, two armed brigs, five schooners, one polacre, and one xebec; in all, fourteen vessels.

To illustrate the mutation of human affairs in Algiers, arising out of the peculiar nature of the government, Mr Shaler relates the following anecdote.

‘During the summer of my arrival here, an old Turk called on me, announcing himself as a Rais, or Captain in the navy; and informed me that he had made a voyage from this place to Constantinople, with Commodore Bainbridge, as attached to the Algerine legation carried there by that officer in former times. He expressed the most friendly regard for the Commodore, and to inquire after his health and welfare appeared to be the principal

object of his visit ; but on taking leave, he informed me that he had no employment, and was very poor, and requested me to lend him a dollar, which I did, and assured him that whenever his necessities required it, he might apply to me with the certainty of finding such relief as I had it in my power to give him. I afterwards frequently met this old gentleman on public occasions, when he would modestly offer me a friendly pinch of snuff at a respectful distance from the official characters I was visiting. A few years after, this old man was raised to the eminent post of Haganagee, or prime minister, which he now holds, at the age of about ninety years, and is in the receipt of at least fifty thousand dollars per annum.' pp. 31, 32.

The depredations of the Algerines on the commerce of the United States began early. According to their custom of being at war with all Christian nations, who did not purchase a peace, they declared war against us immediately after the recognition of our independence by the European powers. In July, 1785, two American merchant vessels, one commanded by Captain Stevens, and the other by Captain O'Brien, were seized by the corsairs, and taken to Algiers, where the officers and men, amounting in the whole to twentyone persons, were consigned to slavery. For the ten years following, our commerce was protected against these pirates by the Portuguese, who were at war with them, and who kept a maritime force in the Straits of Gibraltar, sufficient to prevent the Algerine cruisers from passing into the Atlantic ocean. Meantime various expedients were resorted to, by the government of the United States, to redeem their unfortunate countrymen from slavery. These all proved unsuccessful, chiefly on account of the exorbitant demands of the pirates. It was thought not more a dictate of policy, than of benevolence, to refrain from gratifying these demands, as a compliance to this effect would operate as an additional incitement to future aggressions. The amount required for the ransom of twentyone persons was fifty-nine thousand four hundred dollars. An effort was made to negotiate for the redemption of the prisoners, through the society of Mathurins in Paris, instituted for the purpose of redeeming Christian captives from infidels, but the attempt was ineffectual. Eight years were thus consumed, without coming to any terms with Algiers, or rescuing these American citizens from bondage.

Affairs assumed a new aspect in 1793, when a truce between Portugal and Algiers was stipulated through the mediation of the

British government. This opened a passage for the corsairs into the Atlantic, and in a few months they captured eleven American vessels, containing one hundred and nine officers and seamen, who were all reduced to slavery. From that time more earnest exertions were made to procure a peace with Algiers, and the sympathy of the country was universally awakened in behalf of the suffering captives. The business was entrusted to Colonel Humphreys, the minister from the United States to Portugal, who despatched Mr Joseph Donaldson to Algiers, as commissioner to negotiate a treaty of peace. A time, more unpromising to the interests of the United States for executing such a treaty, could hardly have occurred. The truce with Portugal, and peace with other powers, had left the Dey's corsairs almost without employment. M. Skjöldebrand, brother of the Swedish Consul in Algiers, who had been consulted in this matter, wrote to Colonel Humphreys as follows. 'The Dey declared to me, that his interest does not permit him to accept your offers, even were you to lavish millions upon him. Because, said he, if I were to make peace with every body, what should I do with my corsairs? They would take off my head for the want of other prizes, not being able to live upon their miserable allowances.' Mr Donaldson succeeded, however, in forming a treaty, (September, 1795,) on terms as degrading to the American nation, as they were necessary in the exigencies of the case. The United States became bound to pay the Regency of Algiers upwards of seven hundred thousand dollars, as the price of peace and the ransom of the captives, and to render an annual tribute, payable in military and naval stores, the entire charges of which would amount to above seventy thousand dollars yearly.\*

Owing to the difficulty of procuring funds, the conditions of the treaty were not fulfilled so soon as the Dey expected. He became impatient, expressed apprehensions that the delay was intentional, and threatened to renew the war and send out his cruisers. In this extremity, the American Commissioners, Joel Barlow and Mr Donaldson, agreed that their government should make the Dey a present of a frigate, if he would wait three months longer. This proposal was acceded to, and before the three months had expired, the requisite funds were received.

\* By the Purveyor's Estimate returned to the Secretary of the Treasury in 1796, the cost of the two first years' annuities to the Dey and Regency of Algiers was \$144,246.

Thus was a peace concluded with Algiers, which cost the United States first and last more than a million of dollars, and left them tributary to a horde of pirates.\*

This treaty continued in force till 1812, when it suited the Dey's policy to break it, and to adopt a course, which, says Mr Shaler, 'has drawn upon the Algerines, either directly or indirectly, greater calamities than they ever before encountered, and its effects will probably cease only with the extinction of their independence as a piratical power.' The motives inducing to this step need not here be developed.

'The epoch which was selected by the reigning Dey of Algiers for a declaration of war against the United States, gave to it a character of the most deliberate and determined hostility. On the seventeenth of July of the above year, (1812,) an American ship called the Alleghany, arrived here with the tribute in military and naval stores, which was then due from the United States to the Regency. This vessel was received with demonstrations of apparent satisfaction, and was begun to be unloaded, when the Dey sent for the invoices and bills of lading of all her cargo. When they were explained to him, he expressed the utmost discontent at not finding the quantity of powder, and large cables, that he pretended to have positively required, and great indignation at the same vessel having been made the means of conveyance of some gunbarrels for Morocco, that were landed at Gibraltar, and of some small quantities of private property; which he affected to regard as personally disrespectful.

'He ordered, in consequence, that the Consul should pay in cash the amount due from the United States to the Regency, and depart on the twentyfifth of the same month, with his family and all American citizens that might be here, on pain of the ship and cargo being confiscated, and himself, his family, and his countrymen here, reduced to slavery. The Consul, keeping steadily in view what he regarded as the interests of his country, made all proper remonstrances against this arbitrary proceeding, but in vain, and was compelled to depart on the day named. In September following, a small American brig, of little value, with a crew of eleven persons, was sent into Algiers as a prize to their

\* The correspondence between ministers, consuls, agents, and other persons, and also the Messages of the President, and Reports of the Secretary of State, respecting the relations between the United States and Algiers, down to the period of ratifying this treaty, may be found among the 'Confidential Documents,' published in the tenth volume of American State Papers.

cruisers. This insignificant prize proved to be the only advantage that they ever obtained from a war which they had declared with so much arrogance, and, in their opinion, with prospects of the most brilliant success. In the following year, the American government made an indirect attempt to ransom their captives in the power of the Algerines, who positively rejected any negotiation on the subject, alleging that they regarded their American slaves as above any pecuniary ransom.' pp. 120—122.

During the war with England, which existed at this period, the attention of our government was but partially drawn to these outrages of the Algerines; but as soon as peace was restored, by the ratification of the treaty of Ghent, the Congress of the United States declared war against the Regency of Algiers, and made such appropriations as to render the means of conducting it prompt and efficient. The degradation of paying tribute to lawless banditti, and of being subjected to their caprice, was no longer to be endured. A squadron was fitted out for the Mediterranean, under the command of Captains Bainbridge and Decatur, and these two commanders were appointed commissioners, conjointly with Mr Shaler, to propose and conclude a treaty of peace. The first division of this squadron, under Commodore Decatur, with Mr Shaler on board, sailed from New York in May, 1815. Early in the succeeding month they arrived in the Mediterranean, and soon captured an Algerine frigate and brig. A few days afterward, the squadron appeared off Algiers, and the two commissioners propounded to the Regency the terms on which they were authorized to renew the peace. At that time the Algerine cruisers were at sea, and such was the imposing attitude of the American squadron, and the impression made by the recent captures, that the conditions dictated by the commissioners were immediately assented to. From the date of this treaty, all tribute from the United States to these pirates was abolished, the laws of nations were recognised, and the American government was ever after to stand on the same footing, as the most favored nations. The captured frigate and brig were by agreement given up to the Dey.

After this treaty was concluded, Mr Shaler landed in Algiers as Consul General from the United States, which station he has held ever since. The Dey, stimulated probably by the agents of a foreign power, sought a pretence to break the treaty, and renew hostilities; but the differences were settled by the prudent management of the Consul, and peace has not since been



interrupted. While the present policy of the European governments exists, however, it is necessary for the United States to keep a respectable naval force in the Mediterranean, to impress on these depredators the certainty, that any attempts to resort to their old practices will meet with a prompt and exemplary chastisement. In short, however much the causes are to be deprecated, yet it is a truth of no small moment, that the service to which our navy has been called, in humbling the Barbary pirates, has been a primary source of its own increase, and of our character and prowess as a nation.

In the year 1816, Algiers was bombarded by the combined English and Dutch fleets, under command of lord Exmouth, with entire success. Peace was made on such terms as the admiral chose to dictate. By one article of the treaty, Christian slavery was forever after abolished in Algiers. It is about fifty years since private cruising for prisoners, with the view of enslaving them, was prohibited. It then became a monopoly of the government. Whatever may be the fate of the treaty just mentioned, the spirit of the age will hardly allow this practice to be renewed for any length of time. The powers, which are still disgraced by a tribute to the Algerine pirates, are Naples, Sweden, Denmark, and Portugal, each of which pays annually twentyfour thousand dollars, besides presents, and other tokens of degradation, whenever there is a change of consuls.

Mr Shaler's third chapter is devoted to a full, instructive, and highly entertaining description of the city of Algiers. After a residence there of ten years in a public station, with no ordinary habits of practical and philosophical observation, he must have been peculiarly well qualified for writing such an account. Whoever reads it, with all the reasonable expectations excited by these circumstances, will not be disappointed. The topography of the city, its fortifications, public buildings, and police, as well as the character of the people, their pursuits, and customs, receive a brief and discriminative examination.

Algiers is situate on the side of a hill, which rises by a sudden ascent from the seashore, and, as the houses are whitewashed, it has a brilliant and picturesque appearance when approached from the sea. It is surrounded by a high wall; the streets are extremely narrow, and the houses flat roofed, after the eastern fashion. The fortifications of the harbor are so formidable, as to make an attack by ships alone a hazardous undertaking. They have been strengthened since lord Exmouth's bombard-

ment. The Casaubá, a strong citadel, commands the town and the batteries.

The population of the city was estimated at one hundred thousand by Dr Shaw, and some other writers have placed it one third higher, but our author thinks it does not exceed fifty thousand. The public buildings consist of nine mosques, three colleges, five bagnios, barracks for the Turkish soldiers, bazars, or market places, and the palace formerly occupied by the Deys. The city is governed by officers distinct from those, who administer the government of the kingdom, and these officers are commonly natives. This local city government is highly commended by the author, who observes, that 'there is probably no city in the world, where there is a more vigilant police, where fewer cognizable crimes are committed, or where there is better security for person and property.' This statement exhibits a singular contrast with the barbarous tyranny of the Turkish rulers, but Mr Shaler is particular in discriminating between the character of the native Algerines, and their Turkish masters. He thinks wrong impressions have gone abroad, respecting the natives. 'They are,' says he, 'a people of very insinuating address, and in the common relations of life, I have found them civil, courteous, and humane.' He speaks, moreover, of their toleration. Although superstitious, and rigidly attached to the Mohammedan faith and ceremonies, yet they manifest no special hostility to those, who adopt different modes of faith and worship.

The train of circumstances, connected with the mode of government in this country, has produced a peculiar effect on the state of property.

'A consequence of the uninterrupted prosperity of Algiers, for so long a course of years, has been the accumulation of great wealth in private families, through their alliances by marriage with the Turks. Thus, though all the power is exclusively in the hands of the latter, the fortunes which they acquire are gradually absorbed into the native families, where they generally remain unmolested. Nothing can be more insecure than the fortune of a living Turk; but that of a native, who is ineligible to any important public employment, and consequently passive in all political revolutions, is as well protected here as in any other country. From the operation of these causes, Algiers may be regarded as one of the richest cities in metallic wealth in the world. The aged widow of Achmet Pashaw, with whom the United States concluded their first peace with the Regency, lately died here, and is reputed to have left a fortune of several

millions of dollars. The heirs of Mustapha Pacha, his successor, from whom the Consular dwelling of the United States is rented, possess real estate in the city and immediate neighbourhood, worth half a million of dollars. Both of these chiefs were publicly executed.' p. 53.

As all the great officers of the government have for centuries exercised their power to grasp and hoard, and as the families of these persons have rarely left the country, it is easy to see that large fortunes must have been accumulated in the hands of individuals. It was only necessary that laws, suitable for protecting property thus acquired, should exist and be respected, which it seems has been the case. The hoarded treasures of the Dey are estimated at fifty millions of dollars.

Various customs, prevailing among the people, are described by the author. We select his account of that relating to marriage.

‘Ladies of condition seldom or never walk abroad. Though these secluded dames bloom as it were in the desert, from the complaints of their husbands respecting their extravagance in dress, it may be inferred, that they exercise no inconsiderable portion of influence in society, and are perhaps silently preparing the public mind for a restoration of the rights, of which barbarism and ignorance have defrauded them.

‘There are few Algerines who avail themselves of the Mohammedan law which allows a plurality of wives; they are generally contented with one, to whom however is attached a number of black female slaves, according to the wealth and dignity of the parties. Marriages in general in Algiers are contracted much as elsewhere in Mohammedan countries; but the nature of their government, and the consequent condition of the superior classes, have had a silent and sure effect in favour of the sex. It is unreasonable to suppose that a rich heiress, and there are always many in Algiers, would be delivered up as a slave to the caprice of the barbarian who espouses her; conditions are therefore made in the marriage contract, which place her on a certain equality with her husband, or at least protect her from arbitrary ill treatment. It would be injurious to the understandings of the ladies to suppose, that they have not improved these advantages; their effects have been gradually extended, and the consequence has been, that the Moorish women are less slaves to their husbands, than to custom and long received notions of decorum and propriety.

‘Marriages are planned and contracted through the agency of the mothers and female relations of the parties, the women of

Algiers having a free intercourse with each other, either at their own houses or at the public baths, which are much frequented by them, and in the afternoon they are sacred to their use. Marriages amongst the superior classes are frequently celebrated by the women with much eclat. On these occasions, the female relations and friends of the parties assemble together and enjoy themselves during several days, to the utter discomfiture of the men, who are then either driven out of the house, or to hide themselves in some corner, where they can neither see nor be seen by the joyous band.' pp. 62, 63.

We have before observed, that there are colleges in Algiers. These, as far as we can learn, are a sort of Mohammedan theological seminaries, designed for instructing persons in the doctrines of that faith, and qualifying them to be priests in the mosques, and religious teachers of the people. It is creditable to the citizens of Algiers, that one of these colleges is exclusively set apart for the instruction of the Kabyles, who are natives of the interior, and reside in the city as servants and laborers. But as the whole extent of Algerine literature is confined to the Koran, and such a thing as a printing press is rarely found in all the regions, where the creed of the Prophet predominates, it is not to be supposed, that the business of education has been carried to a very high degree of perfection.

Common schools are, however, numerous in Algiers, where boys of the age of five or six years and upwards, are taught to read and write. From the invariable character of the customs of these countries, I am induced to believe, that their practice is the probable origin of the Lancasterian system of tuition. Each scholar is provided with a board, upon which anything may be fairly written with chalk, and easily effaced; a lesson from the Koran is transcribed in fair and legible characters upon one of these boards, which is then copied upon all the others, the scholars mutually teaching each other, both in the meaning and in the formation of the letters of the text. These lessons are loudly rehearsed to the pedagogue, who sits upon his heels in a corner with a long rod, through the terror of which he maintains order and due attention among his scholars. Thus reading and writing are taught simultaneously, and the beautiful uniformity that characterizes the Arabic handwriting, is probably owing to this method of tuition. The education of the Algerine youth is completed when, having learnt to read and write the Koran, he is duly instructed by the same preceptor in the forms and modes of prayer. The expenses of this course of education are very

trifling, and I am informed that similar schools are kept by women for the instruction of young girls.' pp. 57, 58.

In the city of Algiers are about five thousand Jews, whose condition is far from being enviable.

'They are governed by their own laws in civil cases, administered by a chief of their own nation, who is appointed by the Bashaw; as Algerine subjects they may circulate freely, establish themselves where they please, and exercise any lawful calling throughout the kingdom; and they cannot be reduced to slavery. They pay a capitation tax, and double duties on every species of merchandise imported from abroad; as elsewhere, they practise trade in all its branches, and are here the only brokers and dealers in money and exchanges; there are many gold and silver smiths amongst them, and they are the only artificers employed in the mint.

'Independent of the legal disabilities of the Jews, they are in Algiers a most oppressed people; they are not permitted to resist any personal violence of whatever nature, from a Mussulman; they are compelled to wear clothing of a black or dark colour; they cannot ride on horseback, or wear arms of any sort, not even a cane; they are permitted only on Saturdays and Wednesdays to pass out of the gates of the city without permission; and on any unexpected call for hard labour, the Jews are turned out to execute it. In the summer of 1815, this country was visited by incredible swarms of locusts, which destroyed every green thing before them; when several hundred Jews were ordered out to protect the Bashaw's gardens, where they were obliged to watch and toil day and night, as long as these insects continued to infest the country.

'On several occasions of sedition amongst the Janissaries, the Jews have been indiscriminately plundered, and they live in the perpetual fear of a renewal of such scenes; they are pelted in the streets even by children, and in short, the whole course of their existence here is a state of the most abject oppression and contumely. The children of Jacob bear these indignities with wonderful patience; they learn submission from infancy, and practise it throughout their lives, without ever daring to murmur at their hard lot. Notwithstanding these discouraging circumstances in their condition, the Jews, who through their correspondence with foreign countries are the only class of Algerine society possessing any accurate knowledge of external affairs, meddle with all sorts of intrigue, even at the risk of their lives, which are not unfrequently forfeited in consequence. The post of chief of the Jews is procured and held through bribery and

intrigue, and is exercised with a tyranny and oppression corresponding to the tenure by which it is retained. During the times of prosperity of the Regency, several Jewish houses of trade rose here to great opulence, but of late years, through the intolerable oppression under which they live, many wealthy individuals have been ruined, others have found means to emigrate, and the Moors, who have a singular aptness for trade, are daily supplanting them in the different branches of commerce practicable in this country; so that they appear now to be on a rapid decline even as to their numbers. It appears to me that the Jews at this day in Algiers, constitute one of the least fortunate remnants of Israel existing.' pp. 65—67.

The kingdom of Algiers is inhabited by tribes of men, differing in some essential respects from each other. A large part of the population consists of Moors, a mixed race, descended from the ancient Numidians, or Mauritanians, the Arabs, Spaniards, and Turks, who have from time to time found their way into the country. It is obvious, therefore, that the Moors, as a class, exhibit a great variety of moral and physical traits, according as they are more or less nearly allied to any one of the original stocks, from which they are derived. Besides this compound race, there are other tribes inhabiting the interior of the country, who maintain their distinctive characteristics, such as the Arabs, Biscaries, Mozabis, and Kabyles.

The Arabs are wanderers, as in other regions where they are found, both in Africa and Asia. They live in tents, rear flocks, are governed by their own chiefs, or sheichs, and when they are weary of the oppression of the Beys, or governors of the provinces, they remove farther from their reach, and perhaps go off into the Sahara,\* and enjoy an entire independence. The Biscaries are a more quiet people, inhabiting the borders of the desert, yielding submission to the Regency of Algiers, and speaking a broken dialect of the Arabic. The author thinks they were originally of Arabian descent, but have become mingled with the Africans, and assumed their habits. The Mozabis dwell in a distant region at the south, quite beyond the limits of the dominions of the Algerines, and are independent of their government. They have mercantile relations with Algiers; many of them reside there, with specific privileges of trade, and with an Amin, or public officer, who is recognised as consul

\* This word, so common in all accounts of Africa, is pronounced with a strongly aspirated accent on the first syllable, *Sah'ara*.

from their nation. But, among the different tribes found in the North of Africa, the Kabyles seem to be the most remarkable. They are otherwise called Berebers. They live in the mountainous districts, independent of the Algerine government, forming a population so numerous, that were they not divided into a great number of small tribes, perpetually at war with each other, they would soon constitute a power too formidable for the Regency to control.

The Kabyles speak a language, called the *Showiah*, having, as far as has been discovered, no resemblance to those spoken by the other tribes, and which, there are many reasons to believe, is of great antiquity. It is supposed to be identified with that of the Tuaricks, who inhabit the interior parts of Libya to the borders of Egypt. Should this position prove correct, and there are strong grounds for sustaining it, the Tuaricks and Kabyles must be considered people of the same origin. That is, the same people and the same language prevail throughout the whole northern range of Africa, from the Atlantic to Egypt, and this people and language show marked peculiarities, which distinguish them from any other now known. Their origin, therefore, becomes a very curious subject of inquiry. The author devotes a few pages to a discussion of the point, which will be read with great interest by those, who are curious in these matters. His opinion is, and he supports it by considerations not easily to be shaken, that the *Showiah* is a language of greater antiquity, than any other spoken in northern Africa. It is remarkable, as he states, that 'every trace of the Roman language appears to have been eradicated by the Saracen conquest.' Nor has it been discovered, that the language in question has any analogy to the Punic, or the Arabic, and of course it must have been formed before the introduction of those tongues into Africa. After a brief, but lucid examination of the question, Mr Shaler concludes, that, from the facts adduced, 'there appears to be nothing unreasonable in believing, that the Tuaricks are an original, unconquered people, and the depository of an ancient language, which, being identified with that of the Kabyles, the *Showiah*, naturally leads to the conclusion, that it is one of the most ancient in the world, which has withstood and survived the conquests of the Carthaginians, the Romans, the Vandals, and the Arabs.' In his Appendix the author has inserted a vocabulary of this language, as far as he has been able to collect it, and he is still pursuing this branch of the in-

quiry. A correspondence between him and Mr Du Ponceau, on this subject, is contained in the volume of Philosophical Transactions recently published in Philadelphia.

We should be tempted too far, were we to follow the author in his ingenious speculations, respecting the future destiny of that portion of Africa now subject to Algerine domination. The natural resources of this country, and the prosperity to which it might attain under a mild and equitable government, are set forth by him with a glowing, and we doubt not a judicious pen. His views of colonization seem to us correct; but to what extent his theory, that it would be expedient and conducive to human happiness and improvement for England to take possession of this region and colonize it, may be approved by the wise and prudent, we venture not to pronounce. His reasonings are not without weight, and we have no disposition to confute them, if we could. And in truth, if we should attempt it and succeed, there would still remain one irresistible argument, which is, that it is impossible for the reins of power to be in worse hands than at present, and therefore any transfer would be a gain, both to the general cause of human advancement, and to the immediate and dearest interests of the people themselves. But, after all, we should be loath to witness the scenes of India acted over in Africa; and we fear the descendants of the Numidians would be little benefited, even by throwing off the yoke of the pirates, if it must be done by such a mode of release.

Mr Shaler's last chapter contains a selection from the Journal, kept in the Consulate of the United States at Algiers. It embraces the chief events in the recent political history of the Regency, particularly in its intercourse with Great Britain, on a threatened abrogation of the treaty, and renewal of hostilities. As the author acted an important part in these events, was himself involved in various intricate and embarrassing circumstances, and personally acquainted with almost every incident he narrates, this selection from his official Journal constitutes at once a most valuable, and highly interesting part of his book. It affords an insight into the details of Algerine diplomacy, which, we venture to say, can be obtained from no other quarter. The account given of the Consul's firmness, in resisting the demands of the Regency to give up the defenceless Kabyles under his protection, when the other consuls submitted to the outrage, will be read with warm approbation by every American. It was a measure, on the Consul's part, as bold as it was just, and not



less creditable to his feelings as a man, than it was honorable to his character as the representative of a free nation.

But we would not point to particular parts of this volume, as worthy of exclusive attention. The whole is written with a dignity, a freedom of remark, an independent tone of opinion and investigation, together with an intimate knowledge of the subjects brought under notice, which give it strong claims to respect and confidence ; at the same time it communicates a mass of curious and important facts, not before presented to the reading public. It has not been common for an agent from any country, possessing the author's intelligence, frankness, and talents, to be employed in the diplomatic affairs of the Barbary States ; nay, a capacity for low intrigue, chicanery, and artifice, has usually been considered the primary qualification for such a post. And when we consider the principles, on which the respective governments have required their agents to act, and the extraordinary transactions to which this intercourse has uniformly led, it is not surprising, that no one has been found willing to reveal the dark policy, by which his instructions compelled him to be guided, if his own spirit did not prompt him to it. By the concurrent sanction of all the christian powers, growing out of their mutual jealousies, such has been the system adhered to in treating with the Barbary pirates, that no public agent would dare to unfold and spread it out before the world. Concealment and duplicity were essential parts of the system itself. But the mind and pen of the American Consul General were bound by no such ignoble chains as these ; he has scrutinized deeply, and declared freely what he discovered, and what he thought. The disclosures he has made, and which others will make, by pursuing the track on which he has entered, will afford a key to many parts of European history that are yet hidden. If all the diplomatic proceedings of the christian governments with the Barbary States, Morocco, Algiers, Tunis, and Tripoli, could be brought to light, and recorded for the inspection of the world, we doubt whether more signal evidences of the abuse of power, the force of base passions, and the wickedness of rulers, could be collected from the annals of the civilized world.

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ART. IX.—*Miscellaneous Poems selected from the United States Literary Gazette.* Boston. Cummings, Hilliard, and Co; and Harrison Gray. 18mo. pp. 172.

THIS little volume, as the title imports, is composed of a selection from the poetical department of the United States Literary Gazette, embracing the period from the beginning of that work down to the end of the past year. When originally published, these pieces appeared as anonymous contributions, but in the present collection the names of the authors, except in a few instances, are prefixed. The principal contributors are Bryant and Percival; in addition to whom are Longfellow, Mellen, Jones, and Dawes; and, without invidious comparison or exaggerated praise, it may with great truth be said, that there are from each of these writers specimens of much poetical beauty, and that the volume itself is a rich acquisition to the elegant literature of the country. We know not but our partiality for whatever excellence is of American growth, may cause us to feel the more gratified with a work like this, but we would not bestow on it extravagant praise, merely because it is American. Such praise would be injurious to the cause of letters among us. We would not that our poets be easily satisfied, but rather that they aspire to rival the richest strains, which have been breathed from the country of Shakspeare and of Milton. We would have them strictly American; their productions should retain a flavor of the soil in which they were formed. The feelings they express, and the outward forms they portray, should partake of something of the air of the place. But we would not have them pleased with a low measure of excellence; nor would we have our men of genius remain content with moderate merit, because, possibly, moderate merit may be sufficient to meet the immediate and coarser demands of the public.

Mr Bryant, who has contributed the largest number of pieces to the volume before us, has been for several years a favorite with the American public. We have, on former occasions, expressed our opinion of his genius and writings. As a poet, he possesses rare gifts. His poetry has truth, delicacy, and correctness, as well as uncommon vigor and richness; he is always faithful to nature; his delineations are accurate, vivid, and forcible; he selects his groups and images with judgment, and sketches with spirit and exactness. He writes as one, 'who,

in the love of nature, holds communion with her visible forms.' Nothing is borrowed, nothing artificial; his pictures have an air of freshness and originality, which could come from the student of nature alone. He is alive to the beautiful forms of the outward world. These forms hold a language to his heart. Nature to him is not an inert mass, mere dead matter; it is almost a feeling, and a sentiment. His poetry is always refreshing; the scenes of stillness and repose, into which he introduces us, seem fitted to exclude care and sorrow; he draws us from haunts of men, where we become familiar with loathsome forms of vice and misery, where our hearts are torn with anxiety, or wounded by neglect and ingratitude, and makes us 'partake of the deep contentment,' which the mute scenes of earth breathe. He is less the poet of artificial life, than of nature, and the feelings. There is something for the heart, as well as for the understanding and fancy, in all he writes; something, which touches our sensibility, and awakens deep toned, sacred reflections.

Again, Mr Bryant charms us by his simplicity. Like all true lovers of nature, he is fond of those chaste beauties, which strike on the heart at once, and are incapable of being heightened by any extraneous ornament. His pictures are never overcharged. Nothing is turgid or meretricious, strange or fantastic. His heart is open to the healthful influences of nature; he muses among her gay and beautiful forms, and throws out upon the world his visions and feelings in a garb of attractive simplicity and grace. His strains, moreover, are exquisitely finished. He leaves nothing crude and imperfect; he throws off no hasty sketches, no vague, shadowy, and ill assorted images. His portraits have a picturesque distinctness; the outlines are accurately traced, and the colors laid on with delicacy and skill. We are never disgusted with grossness; nothing appears overstrained or feeble, deformed, misshapen, or out of place.

To write such poetry at any time would be no trifling distinction. Mr Bryant deserves the greater praise, as he has exhibited a pure and classical standard in an age, the tendency of which is, in some respects, towards lawless fanaticism and wildness. There is a fashion in literature, as in everything else. The popular style is now the rapid, the hasty, the abrupt, and unfinished. The age is certainly not a superficial one. It is distinguished beyond any former period for habits of deep, earnest thought. But one of its characteristics seems to be an impatience of restraint. It is fond of strong excitement, however produced.

Whatever excites the mind into a state of fervor, whatever powerfully awakens the feelings, is listened to and applauded. It may be vague, fantastic, and shapeless, produced by a sort of extemporaneous effort, and sent abroad without the labor of revision. It will not have the less chance of becoming, for a time at least, popular. The press was never more prolific than at present. A great deal is written, and, as might be naturally supposed, much is written in haste. The mass of popular literature is swelling to an overgrown bulk; but much of it is crude, coarse, and immature. Mr Bryant has not been seduced by the temptations to slovenliness and negligence, which the age holds out to view; but, on the contrary, he affords a happy specimen of genuine, classical English. We are gratified to meet with such examples, especially among the distinguished and favored poets of our own country. It augurs well for the interests of taste and letters.

We cannot express in too strong terms our approbation of the moral and devotional spirit, that breathes from all, which Mr Bryant writes. Poetry, which is conversant with the deeper feelings of the heart, as well as the beautiful forms of outward nature, has, we conceive, certain affinities with devotion. It is connected with all our higher and holier emotions, and should send out an exalting, a healing, and sustaining influence. We are pleased to find such an influence pervading every strain, uttered by a poet of so much richness of fancy, of so much power and sweetness, as Mr Bryant. No sentiment or expression ever drops from him, which the most rigid moralist would wish to blot. His works we may put into the hands of youth, confident, that in proportion as they become familiar with them, the best sympathies of their nature will be strengthened, and the moral taste be rendered more refined and delicate. Much of his poetry is description; but his descriptions are fitted to 'instruct our piety,' and impart a warmth and glow of moral feeling.

We hasten to one or two extracts, as contained in the volume before us. 'The Murdered Traveller' is picturesque, affecting, and solemn. The scene is portrayed with a distinctness, which causes the heart to shudder.

When Spring to woods and wastes around,  
Brought bloom and joy again;  
The murdered traveller's bones were found,  
Far down a narrow glen.

The fragrant birch, above him, hung  
 Her tassels in the sky ;  
 And many a vernal blossom sprung,  
 And nodded, careless, by.

The red bird warbled, as he wrought  
 His hanging nest o'erhead,  
 And fearless near the fatal spot,  
 Her young the partridge led.

But there was weeping far away,  
 And gentle eyes, for him,  
 With watching many an anxious day,  
 Grew sorrowful and dim.

They little knew, who loved him só,  
 The fearful death he met,  
 When shouting o'er the desert snow,  
 Unarmed, and hard beset.

Nor how, when round the frosty pole  
 The northern dawn was red,  
 The mountain wolf and wild cat stole  
 To banquet on the dead.

Nor how, when strangers found his bones,  
 They dressed the hasty bier,  
 And marked his grave with nameless stones,  
 Unmoistened by a tear.

But long they looked, and feared, and wept,  
 Within his distant home ;  
 And dreamed, and started as they slept,  
 For joy that he was come.

So long they looked—but never spied  
 His welcome step again,  
 Nor knew the fearful death he died  
 Far down that narrow glen. pp. 9, 10.

We need not point out to those, who are familiar with the appearance of our forests in spring, the exquisite truth and beauty of the two lines,

‘ The fragrant birch, above him, hung  
 Her tassels in the sky ;’

which occur in the second stanza. Such minute and inimitable beauties are scattered over every page of this author's narrative and descriptive poetry. They go to show his careful observation

of nature, which we consider one of his striking characteristics, and which constitutes one point of resemblance between him and Cowper. We add, it is his habit of minute and diligent observation, which renders his pictures so purely American. His descriptions have a definite locality. They apply to American scenery, and to no other.

The 'Hymn' is a rich offering of the fancy and heart. The following are the introductory lines.

The groves were God's first temples. Ere man learned  
 To hew the shaft, and lay the architrave,  
 And spread the roof above them,—ere he framed  
 The lofty vault, to gather and roll back  
 The sound of anthems; in the darkling wood,  
 Amidst the cool and silence, he knelt down  
 And offered to the Mightiest, solemn thanks  
 And supplication. For his simple heart  
 Might not resist the sacred influences,  
 That, from the stilly twilight of the place,  
 And from the gray old trunks that high in heaven  
 Mingled their mossy boughs, and from the sound  
 Of the invisible breath that swayed at once  
 All their green tops, stole o'er him, and bowed  
 His spirit with the thought of boundless power  
 And inaccessible majesty. Ah, why  
 Should we, in the world's riper years, neglect  
 God's ancient sanctuaries, and adore  
 Only among the crowd, and under roofs  
 That our frail hands have raised. Let me, at least,  
 Here, in the shadow of this aged wood,  
 Offer one hymn—thrice happy, if it find  
 Acceptance in his ear. p. 43.

We assure our readers, that much of what Mr Bryant has contributed to the present collection, is as good as that we have here offered them. We will not undertake to point out passages of the greatest beauty. The true lover of poetry will be at no loss in discovering them.

Of Mr Percival, who, next to Mr Bryant, is the largest contributor, less needs be said here, as we have in the preceding pages of our present number spoken somewhat at length concerning him. He has copiousness, we may say exuberance, both of matter and words; a rich and excursive imagination, which delights to revel amid gorgeous and airy forms of beauty; and often throws off lines of great vigor and sweetness. He has

happy moments of inspiration, and with more labor of revision, with greater willingness to reject what serves only to embarrass the sense, and more care in selecting from the wilderness of 'thick coming fancies' only what is adapted to his purpose, he might exert a magic influence over our hearts. His narratives are apt to be overloaded or perplexed. The consequence is, the attention is encumbered or distracted, and the impression weakened. His contributions to this volume, as well as his other works, bear the stamp of true genius, but show too frequent marks of carelessness in the execution.

After all, Mr Percival's poetry is of a fascinating character. Amid his negligent versification, his wildness and redundance, he has strains of surpassing beauty. The pieces he has contributed to the present collection bear the characteristic traits of his genius, though they are not chargeable with all the faults, which disfigure some of his larger productions. Several of them are lofty and beautiful creations.

'The Graves of the Patriots,' though not altogether faultless in expression, contains bursts of genuine and exalted feeling. The lines on 'Spring' are gay and airy, and the progress of the Zephyr fancifully described. 'The Desolate City' is fearfully impressive. Of the piece entitled, 'Painting—a Personification,' we give the opening and concluding parts.

One bright sunshiny autumn day,  
When the leaves were just beginning to fade,  
I saw a gay and laughing maid  
Stand by the side of a public way.

There she stood erect and tall;  
Her flowery cheek had caught the dyes  
Of the earliest dawn—and O! her eyes,  
Not a star that shoots or flies,  
But those dark eyes outshine them all.

She stood with a long and slender wand,  
With a tassel of hair at its pointed tip;  
And fast as the dews from a forest drip,  
When a summer shower has bathed the land,  
So quick a thousand colors came,  
Darting along like shapes of flame,  
At every turn of her gliding hand.

She gave a form to the bodiless air,  
And clear as a mirrored sheet it lay;

And phantoms would come and pass away,  
As her magical rod was pointed there.

First, the shape of a budding rose,  
Just unfolding its tender leaf;  
Then, all unbound its virgin zone,  
Full in its pride and beauty blown,  
It heavily hangs like a nodding sheaf;  
And a cloud of perfume around it flows.

Now for the touch of a master hand—  
See! how she poises and waves her wand,  
As if in a dream of busy thought  
She sought for visions and found them not.  
Now it rises—and look—what power  
Springs to life, as she lifts her rod—  
Is it a hero, or visible god,  
Or bard in his rapt and gifted hour?  
What a lofty and glorious brow,  
Bent like a temple's towering arch,  
As if that a wondering world might march  
To the altar of mind, and kneel and bow;—  
And then what a deep and spirited eye,  
Quick as a quivering orb of fire,  
Changing and shifting from love to ire,  
Like the lights in a summer evening sky;—  
Then the living and breathing grace  
Sent from the whole of that magic face,  
The eloquent play of his lips, the smile  
Sporting in sunbeams there awhile,  
Then with the throb of passion pressed  
Like a shivering leaf that cannot rest,—  
And still as a lake when it waits a storm,  
That wraps the mountain's giant form,  
When they lie in the shade of his awful frown,  
And his gathered brows are wrinkled down.

Such the visions that breathe and live,  
The playful touch of her wand can give.

pp. 116, 117, 120, 121.

The beauty of the above extract is marred by occasional slovenliness of execution. We refer particularly to the description of the changing expression of the lips, in the last eight or ten lines, which is clumsy and perplexed.

Among Mr Percival's other pieces, 'The Last Song of the



Greek Patriot,' and 'Grecian Liberty,' breathe a stern feeling of patriotism, and contain much spirited and glowing description. 'Italy, a Conference,' has some passages of great luxuriance and beauty. But we can afford no more extracts.

Among the contributions furnished to this volume by others, there is much good poetry, and we are gratified with their appearance, not merely as they serve to swell our stock of native poetry, but as they hold out the promise of better things hereafter. There is, in particular, a good deal of poetical feeling and imagery in the pieces contributed by Mr Longfellow. He is generally flowing, manly, and correct; but he occasionally allows a feeble line, or negligent expression, to have place. We do not think that the two lines,

'Why comes he not? Alas! I should  
Reclaim him still, if weeping could,' p. 114.

are in the best style of versification. The auxiliaries *should* and *could*, employed as rhyming words, give the couplet an appearance of poverty and febleness. We could point to other occasional blemishes, but these weigh little in comparison with the author's prevailing merits. The following stanzas purporting to have been a 'Hymn of the Moravian Nuns, at the Consecration of Pulaski's Banner,' have been much and justly admired.

When the dying flame of day  
Through the chancel shot its ray,  
Far the glimmering tapers shed  
Faint light on the cowed head,  
And the censer burning swung,  
Where before the altar hung  
That proud banner, which with prayer  
Had been consecrated there.

And the nuns' sweet hymn was heard the while,  
Sung low in the dim, mysterious aisle.

Take thy banner!—may it wave  
Proudly o'er the good and brave,  
When the battle's distant wail  
Breaks the sabbath of our vale,—  
When the clarion's music thrills  
To the hearts of these lone hills,—  
When the spear in conflict shakes,  
And the strong lance shivering breaks.

Take thy banner!—and beneath  
The war cloud's encircling wreath,

Guard it—till our homes are free—  
 Guard it—God will prosper thee !  
 In the dark and trying hour,  
 In the breaking forth of power,  
 In the rush of steeds and men,  
 His right hand will shield thee then.

Take thy banner ! But when night  
 Closes round the ghastly fight,  
 If the vanquished warrior bow,  
 Spare him !—by our holy vow,  
 By our prayers and many tears,  
 By the mercy that endears,  
 Spare him—he our love hath shared—  
 Spare him—as thou wouldst be spared !

Take thy banner !—and if e'er  
 Thou shouldst press the soldier's bier,  
 And the muffled drum should beat  
 To the tread of mournful feet,  
 Then this crimson flag shall be  
 Martial cloak and shroud for thee !

And the warrior took that banner proud,  
 And it was his martial cloak and shroud. pp. 58—60.

Mr Jones's versification is generally easy and correct, and his conceptions sprightly, and sometimes vigorous. His 'Autumnal Hymn of the Husbandman' is characterized by great simplicity of language. Much plainness, and perhaps occasional homeliness of thought and expression, are permitted or required by the subject. We think, however, that in his attempt to attain the utmost degree of simplicity, this writer has been occasionally betrayed into the use of expressions, which good taste would modify or reject. As a specimen of Mr Jones's manner, we quote the hymn entire.

Now we rest from our toils, Lord, our labors are done,  
 Our meadows are bared to the kiss of the sun ;  
 We have winnowed the wheat,—well our toil it repays,  
 And our oxen have eaten the husks of the maize.

We gathered our harvests ; with strength in each limb  
 Toiled the mower ; the ripe grass bowed prostrate to him ;  
 And the reaper, as nimbly he felled the proud grain,  
 Was blither than those who wear sceptres and reign.

And the wheat blade was tall, and the full, golden ear  
 Proclaimed that the months of rejoicing were near ;

The grape in rich clusters hung, promising mirth,  
And the boughs of the apple tree slept on the earth.

Did we thank thee, then, God of the seasons? Oh no!  
We were prompt in accepting thy favors, but slow  
Were our lips to give thanks for the rich gifts, thy hand  
Showered thick on the maize littered vales of our land.

Thou hast rained on us manna, Lord,—yet we are mute;  
Though summers, all smiles, of thy love are the fruit,  
Springs and autumns, as fair as the Orient boasts,  
Dawn on us,—yet faint are our tongues, Lord of Hosts!

Now we raise our glad voices—in gratitude raise,  
And we waft on the beams of the morning our praise;  
We thank thee for golden grain gathered in shock,  
And the milk of the kine, and the fleece of the flock.

And we thank thee for limbs moving light to the task,  
For hearts beating high, though unwarmed of the flask,  
Fill us, Lord, with just sense of thy bounty, and give  
Health to us, and to all in the land where we live.

pp. 110, 111.

The following stanzas by Mr Dawes will be enough to prove,  
that he has the imagination and taste of a poet.

#### THE SPIRIT OF BEAUTY.

The Spirit of Beauty unfurls her light,  
And wheels her course in a joyous flight;  
I know her track through the balmy air,  
By the blossoms that cluster and whiten there;  
She leaves the tops of the mountains green,  
And gems the valley with crystal sheen.

At morn, I know where she rested at night,  
For the roses are gushing with dewy delight;  
Then she mounts again, and around her flings  
A shower of light from her purple wings,  
Till the spirit is drunk with the music on high,  
That silently fills it with ecstasy!

At noon, she hies to a cool retreat,  
Where bowing elms over waters meet;  
She dimples the wave, where the green leaves dip,  
That smiles, as it curls, like a maiden's lip,  
When her tremulous bosom would hide, in vain,  
From her lover, the hope that she loves again.

At eve, she hangs o'er the western sky  
 Dark clouds for a glorious canopy ;  
 And round the skirts of each sweeping fold,  
 She paints a border of crimson and gold,  
 Where the lingering sunbeams love to stay,  
 When their god in his glory has passed away.

She hovers around us at twilight hour,  
 When her presence is felt with the deepest power ;  
 She mellows the landscape, and crowds the stream  
 With shadows that flit like a fairy dream ;—  
 Still wheeling her flight through the gladsome air,  
 The Spirit of Beauty is everywhere ! pp. 54, 55.

Mr Mellen's fancy appears to delight in scenes of grandeur and wildness. The following lines on 'Mount Washington, the loftiest peak of the White Mountains in New Hampshire,' are not destitute of spirit and energy. We refer to the two first stanzas and the last ; the third, which speaks of the 'dim forms of the mighty dead,' we do not profess to understand, and consider it an essential defect in a description, otherwise striking and natural.

Mount of the clouds ; on whose Olympian height  
 The tall rocks brighten in the ether air,  
 And spirits from the skies come down at night,  
 To chant immortal songs to Freedom there !  
 Thine is the rock of other regions ; where  
 The world of life which blooms so far below  
 Sweeps a wide waste ; no gladdening scenes appear,  
 Save where with silvery flash the waters flow  
 Beneath the far off mountain, distant, calm, and slow.

Thine is the summit where the clouds repose,  
 Or eddying wildly round thy cliffs are borne ;  
 When Tempest mounts his rushing car, and throws  
 His billowy mist amid the thunder's home !  
 Far down the deep ravines the whirlwinds come,  
 And bow the forests as they sweep along ;  
 While roaring deeply from their rocky womb  
 The storms come forth—and hurrying darkly on,  
 Amid the echoing peaks the revelry prolong !

And when the tumult of the air is fled,  
 And quenched in silence all the tempest flame,  
 There come the dim forms of the mighty dead,  
 Around the steep which bears the hero's name.

The stars look down upon them—and the same  
Pale orb that glistens o'er his distant grave,  
Gleams on the summit that enshrines his fame.  
And lights the cold tear of the glorious brave—  
The richest, purest tear, that memory ever gave!

Mount of the clouds ! when winter round thee throws  
The hoary mantle of the dying year,  
Sublime amid thy canopy of snows,  
Thy towers in bright magnificence appear !  
'Tis then we view thee with a chilling fear,  
Till summer robes thee in her tints of blue ;  
When lo ! in softened grandeur, far, yet clear,  
Thy battlements stand clothed in Heaven's own hue,  
To swell as Freedom's home on man's unbounded view !

pp. 128, 129.

Some of the anonymous pieces in this collection have merits, that would bear a critical examination. But we choose to refer our readers to the volume itself, and this we do with the entire conviction, that all lovers of poetry will find abundance in its pages to reward a diligent perusal.

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## ART. X.—CRITICAL NOTICES.

1.—*The Atlantic Souvenir; a Christmas and New Year's Offering.*  
Philadelphia. Carey and Lea. 1826. pp. 353.

THIS is a beautiful little book, in imitation of the *year books*, which have so long been made up in the same style in Germany, and lately in England. It differs from them, however, by being entirely original in its matter, and of course depending for its value on American artists.

The German works of this kind, which we have seen, were composed principally of extracts from the poets of their own country, the popular ballads and tales new versified, or translations from foreign literature. The growing taste in Germany for Shakspeare is shown, by the very copious drafts made on him in these works; and we observed in a book of the kind, printed at Leipsic in 1821, some translations, of an accuracy, occasionally equal to that of Foscolo, in rendering Sterne's 'Still, slavery, still,' &c, which he signifies in Italian to mean, 'Slavery, *though thou art peaceful,*' &c.

It is an agreeable thing to see all the occurring festivals of society partake something of a literary character. It appears to be a return to the delicate taste of the ancients in this respect, who marked every public or private era of importance with some joyous testimonial. If the law did not always provide, that an occasional ceremony should be observed with the signs of rejoicing, the custom did; and the warrior, who returned 'brow bound with the oak' by *right*, found his friends crowned with roses at their friendly banquet.

The more practical habits of modern society, lead us to be more indifferent than they, to all but that which is real and effectual; and it is not certain, whether we gain by the change. It seems certain, however, that the domestic and social ties were more tenderly prized with the ancients than with us; and a vast part of their history is interested in events, which arose from this feeling, where modern annals would give the reader an account of a stormy debate, or a cabinet intrigue. One of the French wits avers it to be impossible to found the plot of a tragedy on a Grecian story, except by calling into requisition 'the eternal family of Pelops,' with whom it is clear the French stage must be by this time pretty familiar. The taste, which tends to make all domestic intercourse as delightful as possible, by not merely

employing the arts as the ministers or trophies of pride and wealth, but as the ornaments of affectionate intercourse, is excellent. If it is our ambition to equal the ancients in the simplicity and freedom of our institutions, it may also be worth while to divest ourselves as far as possible of the heartless directness, which the competition of modern society produces. There is little danger, in our country, of the study of what may be called the minor branches of the fine arts being carried too far. With so extensive a commercial capital, and the more than Agrarian laws, which regulate the vast territories of the West, there will not be soon the crowded population, which is pleased or supported by shows and toys. A man who, in Paris or Vienna, would live by gilt paper and pasteboard, in America would take his axe and rifle, or if less adventurous, set up a *store*, or command a steamboat. But, with all this, our countrymen are beginning to grow a little fastidious, and demand something like refinement; and in a community, that can support the Italian Opera in a full corps, there must be a real or affected taste for some of the fine arts. This taste, as regards the Opera, has been, we suspect, a little factitious in New York; for we observed the papers filled for some time before its opening with explanations of the common musical business, and exhortations to the public to be pleased with the Garcias.

The little book before us does not need any such preparation to be liked. It is a beautifully printed duodecimo, executed with great neatness, and very prettily embellished. It contains some charming views of American and foreign scenery. There is a beautiful view of the burying place of Père la Chaise at sunset, a view of Athens, of the Bay of Naples, and the Falls of Montmorenci, with other decorations. But the value of this little volume does not depend on these. The literary execution of its matter is well finished, though the different articles of it are very unequal. The 'Eve of St John, a tale of the Grecian Islands,' is the first in order, and among the best of the pieces. It turns on the oppressive barbarity of the Ottoman rulers, towards the interesting people inhabiting these islands. A Grecian maiden, *Adiante*, though warned by an omen, fearful for a lover, on the eve of the feast of St John, betroths herself to *Demetrius*, who, it seems, 'in stature was tall and as straight as a palm,' easy in his carriage, active and graceful in his walk, fiery in the eye, and impatient of insult to the last degree. He was eloquent, poetical, romantic, enterprising, and a lover of the arts. With these qualifications, it is not wonderful that he won the fair *Adiante* to forget the mysterious omen, by which she had been warned that their love would be fatal, and that they were not destined to be united. But

the course of their loves is soon found anything but smooth. A new Vaivode, or governor, arrives from Constantinople, and, learning the beauty of the bride of Demetrius, insists on seeing her in a manner the most insulting, and with purposes dark and wicked. In short, the marriage of the young Grecians is subsequently interrupted by this tyrant and his train, who murder the youth. Adiante, also, is wounded, and dies in the conflict. The story is well told, and exhibits in strong colors the brutal tyranny of the Turks over the Greeks in their power.

The piece, entitled the 'Catholic Iroquois,' by the author of Redwood, is a beautiful and touching little tale, and worthy of the pen of that writer. Others might be selected, both in prose and poetry, that are creditable to their authors, although a few have gained admittance, whose claims to such a distinction we have not been able to discover. The plan of this work is calculated to have so good an effect on the taste of the community, that we hope the publishers will be encouraged to continue it annually. Their aim should be, as far as possible, to enlist the best writers in different parts of the country, to procure articles on American topics, and designs of American scenery. It will thus have a character and a value peculiar to itself, and not to be found in any other works of a similar kind.



2.—*A View of the Constitution of the United States of America.*  
By WILLIAM RAWLE. Philadelphia. 1825. Svo. pp. 347.

THE constitution of the United States was, in many particulars, a new experiment in politics. It was the first government, and, at the time of its creation, the only one in which the principle of *representation* was extended as well to the executive and judicial departments, as to the legislative. In other nations, where political liberty has been enjoyed to a certain degree, the principle of representation has been either abandoned altogether, or confined to the selection of those who were to make the laws; while in the execution and interpretation of the laws, the people beheld a power created without their consent, and existing beyond their control.

In Rome, indeed, it was otherwise; for while the consuls and prætors were chosen by the people and accountable to them, the senate was a hereditary body, whose decrees the popular officers were in general bound to execute. But in the United States, every officer in every department of the government is a representative of the people; acting by the authority of the people.



and ultimately accountable to them. When we call our *government* a representative one, we do not in general attach its full meaning to the term; we are apt to be misled by the popular signification of representative, and to think only of one branch of the legislature. But in truth, the President of the United States, in the exercise of his high powers, is as much a representative of the people, as a member of either house of Congress. He is selected by them for the discharge of certain duties; he is accountable to judges of their appointment for any malversation in office, and he cannot retain his power beyond a limited time, without their renewed consent. It is the same in principle with judicial officers. Their power emanates, though not directly, from the people; and though they are shielded, as they ought to be, from popular caprice and passion, they are accountable to the people for the honest and faithful discharge of their duties. The people of the United States, as such, exercise no other act of sovereignty, than that of selecting the individuals in whom the several powers of government shall reside; and in this they differ from the citizens of Greece and Rome, who enacted laws in their popular assemblies; but they also choose, either directly, or through the medium of electors chosen by themselves, all the officers of government; and in this they differ as well from the ancient republics, as from the limited monarchies of modern times.

Whatever advantages, therefore, attend the representative form of government, must be enjoyed in the United States in the highest degree. These advantages may be resolved into this general principle, that while an administration is provided, possessing sufficient unity and permanence for decisive action, the government itself is under the control of the people, and not of those who administer it. There is a tendency in all governments to consider the supreme power as residing in the legislature; for the making of laws is the most striking act of sovereignty. An example of this tendency occurred in England during the Commonwealth, when the popular branch of the legislature undertook to model anew the whole constitution. And even at the present day, it is maintained in that country, that the authority of parliament has no limit, but is supreme and uncontrollable. With us, however, the executive and judicial departments are strictly co-ordinate with the legislative; and all are equally regulated by the constitution, which is the expressed will of the people.

But, however perfect any government may be in theory, no thinking man will entirely confide in it, until he has seen its development in practice, and been satisfied with its adaptation to the character and condition of the people. The government

of the United States, has it answered the ends for which it was designed? Have no unexpected obstacles impeded its course? Has the principle of representation been wisely extended to all the departments of its administration? In one word, has it been as salutary in practice, as it is wise in theory? These are questions, which are frequently asked, especially by foreigners, and to which no book, before the present, has given an answer.

Mr Rawle's work is a commentary upon the constitution, in which the several departments of our government are treated of, in the order in which they are named in that instrument. After an introduction, in which the nature of political constitutions in general is discussed, and in particular those of the British colonies in North America, the author treats of the constitution of the United States, and of the rules of construction, which should be adopted in explaining it. He then examines the legislative power as exercised by the senate, the house of representatives, and the President. These subjects compose the theme of the six first chapters.

'The President,' says Mr Rawle, 'partakes of the legislative power; he is elected for the term of four years, in a mode of which the theory is excellent, but in no respect have the enlarged and profound views of the framers of the constitution, or the expectations of the people, been so completely frustrated.'

Now this language is much too strong. In no country of the world, and in no period of history, can a succession of chief magistrates be found, who are worthy to be compared in talents, learning, wisdom, morals, or patriotism, with the six presidents of the United States. In no country of the world, has the administration of government been directed so entirely to promote the happiness of the people, and with so little regard to the personal interest of those engaged in it. Whatever difficulties, therefore, may have been encountered in the election of a president, it can hardly be said with truth, that the views of the framers of the constitution have been completely frustrated.

It is true, that difficulties have occurred; and they always may be expected, while human nature continues frail and imperfect. That the wisest and best man in the nation should be selected for its chief magistrate, is what all will admit; but how is the individual to be discovered among several millions? And how is an unhesitating conviction of his merits to be impressed upon the minds of his fellow citizens? The best devised system is but an approximation to what is desirable; and it is believed, that the mode now pursued in the United States, though attended with some inconveniences, is to all practical purposes sufficient to secure a wise administration of the government.

The seventh chapter, which is on 'the Treaty making Power,' discusses the question, which has twice arisen in Congress, whether the consent of the house of representatives, in any form, is necessary to the validity of a treaty, or to such measures as are necessary to carry a treaty into effect. This question may be considered as still undecided, for in 1816, on the ratification of the convention with Great Britain, Congress thought proper, after a long debate, to pass an act expressly repealing so much of certain other acts, as were inconsistent with the provisions of the convention, instead of leaving the treaty to stand *proprio vigore*.

In the ninth chapter the author contends, with much plausibility, that a citizen of the United States cannot transfer his allegiance, so as to free himself from our laws, without the consent of the community. This opinion, it is said, has the sanction of the late Chief Justice Ellsworth, of Mr Justice Washington, and of President Madison. It is a question of great practical importance, and deserves to be thoroughly considered.

On the great question of *internal improvement*, as it is usually called, Mr Rawle holds the opinion which is beginning to prevail in every part of the Union, and which will probably, before many years, be the settled construction of the constitution.

'It has been made a constitutional question,' he says, 'whether Congress has a right to open a new mail road through a state or states for general purposes, involving the public benefit, and the same doubt has been extended to the right of appropriating money in aid of canals through states. If we adhere to the words of the text, we are confined to post roads; but it appears to the author to be one of those implied powers, which may fairly be considered as within the principles of the constitution, and which there is no danger in allowing. The general welfare may imperiously require communications of either of these descriptions. A state is bound to consult only its own immediate interests, and not to incur expense for the benefit of other states. The United States are bound to uphold the general interest, at the general expense. To restrain it to pointing out the utility of the measure, and calling on particular states to execute it, would be partially to recall the inefficiency of the old government, and to violate the main principle of the present one. If any political evil could result from the procedure, it would present a strong argument against the allowance of the power; but good roads and facile aquatic communications, while they promote the prosperity of the country, cannot be seriously alleged to affect the sovereignty of the states, or the liberties of the people. The road ought, however, to be an open, not a close one. It is doubtful, whether tolls for passage on it could be constitutionally exacted.' p. 100.

Mr Rawle's observations on the writ of *habeas corpus* confirm the opinion, which we have more than once expressed, that the common law is recognised by the constitution of the United States. 'The constitution seems to have secured this benefit to the citizen by the description of the writ, and in an unqualified manner admitting its efficacy, while it declares, that it shall not be suspended unless when, in cases of rebellion or invasion, the public safety shall require it. This writ is believed to be known only in countries governed by the common law,' &c. p. 114.

We cannot be expected to analyse the whole volume, or even to enumerate the important questions, which are discussed in it. In several points, the practical construction of the constitution is yet unsettled; but in many more, doubts have been cleared, and a course of administration consistently pursued, which has led to the happiest results. To those, who are desirous of studying the noblest monument of human wisdom, the Constitution of the United States, we recommend the treatise of Mr Rawle as a safe and intelligent guide. For foreigners it may be sufficient; but to the young men of our country, it should be only the introduction to a more extended course of reading. The letters of Publius, in the *Federalist*, Mr Sergeant's treatise on Constitutional Law, and the great constitutional questions, which are from time to time argued and decided in the Supreme Court of the United States, should form a part of the studies of every well educated man.

In the Supreme Court, the principles of our government are often developed with a strength of reasoning and a clearness of illustration, that seldom fail to repress every doubt, and quiet every scruple. We cannot refrain, in this connexion, from making one more extract from Mr Rawle, because it sets in a strong light the highmindedness, and independence of party considerations, of that tribunal, which is often the last resort in party contests. The author is speaking of the abolition, in 1802, of the judiciary system established the preceding year. 'The Supreme Court, which affirmed a decision by which the validity of the repealing act was established, [the case of *Stuart v. Laird*, 1 Cranch, 308] was at that time composed entirely of men politically adverse to that, which, by a sudden revolution, had become the predominant party in the legislature. Yet the decision was unanimously given, one of the judges only being absent on account of ill health. And such are the true nature and spirit of a judicial institution, that there can be no doubt that the same principle, the same entire repudiation of party spirit, would govern men of all political impressions, when required to act on similar occasions by the constitution and their country.'

While such is the spirit which our institutions foster, and such

the practical wisdom displayed in the administration of the laws, we may be permitted, cold blooded as critics usually are, to catch the enthusiasm of the Orator and Statesman of New England, and exclaim with him, **OUR COUNTRY; OUR WHOLE COUNTRY; AND NOTHING BUT OUR COUNTRY!**

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3.—*El Traductor Español; or a New and Practical System for Translating the Spanish Language.* By MARIANO CUBI Y SOLER. Baltimore. F. Lucas, jr. 12mo. pp. 350.

THE author of this volume deserves high commendation, for the zeal with which he has labored, during the last four years, to make his native language known in this country. He has published several elementary treatises to facilitate to the American student the attainment of that language, and his personal services have been assiduously and successfully devoted, we believe, to the promotion of the same end. At the present time, and with the future political prospects of the western continent, few accomplishments are more desirable to the well educated youth of our country, than a knowledge of the Spanish language: It is already spoken by half the population of the western world, and its use and influence will rapidly increase. Our commercial intercourse and political relations with the southern republics, will necessarily bring us into close and perpetual contact with them on innumerable points; and an acquaintance with their common vehicle of thought will be a not more effectual means of advancing our own interests, than of strengthening the bonds of union between nations, whose aims and destiny are nearly the same. We shall have the additional advantage, moreover, and it is not a small one, of the example and spirit of the best Spanish writers operating on our literature. In this country little is known of the elegant letters of Spain; it is a field unexplored, but it is wide and fertile, rich in the fruits of genius and of cultivated intellect. The language of Cervantes and Calderon, of Lope de Vega and Feijoo, may safely challenge a comparison with any other in high models of poetry and eloquence, brilliancy of imagination, or vigor of thought.

It is the purpose of Mr Cubi, in the present volume, to promote the acquisition of the language, by putting into the student's hands a choice collection from some of the best Spanish authors. The examples are generally short, always judicious, and methodically arranged. The idiomatic phrases and expressions are explained in the margin. Among the writers from whom the selection is made, are Feijoo, Granada, Quevedo, Mariana, Argensola, Ca-

dalso, Isla, Cervantes, Olavides, Saavedra, Gracian, Garcilaso, Melender. The book seems to us well suited to be taken up immediately after Mr Sales's *Colmena Española*. Mr Cubi has been at vast pains in forming a vocabulary, which comprises more than half the volume, in which every word used in the selections is introduced and explained, and the mode, tense, number, and person of each verb pointed out. This vocabulary is arranged in classes, according to the number of syllables in the words, that is, the first class contains words of one syllable, the second of two, and so on. The verbs form a list separate from the other parts of speech. This whole plan we consider defective, and have no doubt, that an arrangement of all the words in alphabetical sequence, according to the usual method, is preferable. The object of an alphabetical arrangement of any kind is to direct the student, with the least labor of research, to the desired word; and this can be done in no way so readily, as by having every word, beginning with the same letter, brought into one methodical and connected series.



4.—*Report made to the Legislature of Massachusetts by the Commissioners appointed by a Resolve of the twentysecond of February, 1825. Boston. 1826. pp. 55.*

THE Legislature of Massachusetts, on the twentysecond of February, 1825, appointed Messrs Theodore Sedgwick, Leonard M. Parker, and James Savage, Commissioners to digest and prepare a system for the establishment of such an Institution, to be endowed by the State, as should be best calculated to afford instruction in 'the Practical Arts and Sciences' to those persons, who do not desire, or are unable to obtain, a collegiate education. These Commissioners, on the ninth of January last, made to the legislature an elaborate Report, containing a full and particular exposition of the plan of such an institution, and of the reasons which seemed to sanction its endowment by the state. This Report was accompanied with two bills, one for the incorporation of the proposed 'Massachusetts Seminary of Practical Arts and Sciences,' and another granting twenty thousand dollars each year for two years, and after that period five thousand dollars annually for ten years, for the endowment and support of the seminary. The passage of these bills was urged upon the House of Representatives with great zeal and ability; but after much consideration, the House ordered the subject to be recommitted to the same Commissioners to pursue the examination of it, and to report at a future session of the legislature.

It is not our purpose to discuss the Report at length. Although we dissent from the Commissioners in some respects, yet we feel a strong inclination to maintain their views upon the general object, namely, the providing of means for the liberal education of the middle class of society in the useful arts, and in the sciences immediately applicable to the active business of life. Our colleges do not look directly to the instruction of the artisan, the agriculturist, or the manufacturer. Their aim would rather seem to be the preparation of persons for the liberal professions, or the ornamental education of the children of the opulent. We apprehend the progress of improvement, and the exigencies of society, are beginning to demand facilities for imparting knowledge, on a liberal scale, to the productive and laboring classes of the community. This position is the leading doctrine of the Report; and however proper it may have been for the Legislature of Massachusetts to pass over the subject at present, and wait for further information before making the large grant, which the Commissioners deemed requisite, yet we trust a thing of so much importance to the interests of education will not be allowed to slumber.

5.—*Leisure Hours at Sea; being a few Miscellaneous Poems.*

By a MIDSHIPMAN OF THE UNITED STATES NAVY. New York. George C. Morgan, and E. Bliss and E. White. 1825. 12mo. pp. 148.

THIS little book was written by an anonymous midshipman of the United States navy, who, we *guess*, from the idiomatic use of a certain auxiliary verb, ('I soon *will* tread a distant shore,') was *raised* somewhere south of the Hudson. In his preface he deprecates the hostility of criticism, on the score of his nautical profession. But this should be no protection; for reviewers are bound by their commission to hunt down all such pirates and smugglers, as may infest the high seas of literature, without regard to the colors they sail under. Our poetic midshipman has no cause for concern, however; his little bark is too lightly laden, and has too little that is contraband in it, to be worthy of condemnation.

To part with the sorry metaphor, into which we have been led astray by thinking of our author's profession, we must declare we have never read a more innocent book in the world. The poetry is chiefly sentimental; half of it amatory, and the other half elegiac. But the amatory has none of the licentious taint, which pollutes so much of our modern love verses; and the elegiac

has none of those overcharged gloomy pictures of the present, and still gloomier pictures of the future, which, since the days of that spirit of darkness, Lord Byron, have settled over this region of poetry. The whole is animated by sincere and commendable affections; and if there is no great expenditure of wit, or fancy, lavished upon them, they are at least not wanting in feeling, which is esteemed by many no less essential to good poetry.

We will select one piece as a specimen of the poet's execution. It is not much better than the average of the verses, which pretty generally attain the level of that *aurea mediocritas*, so often celebrated in prose and verse.

A SONG AT SEA.

Our sails are spread before the wind,  
 And onward, onward swift we fly;  
 We've left our country far behind,  
 No prospect now invites the eye,  
 Save the blue sea, and cloudless sky.

Oh! when I wav'd my last good bye,  
 To parents, friends, and Mary dear,  
 It was not fear that dimm'd mine eye,  
 This heart ne'er felt a thrill of fear—  
 It was affection caus'd the tear.

And while upon the heaving main  
 Our vessel dashes proudly on,  
 To meet those well lov'd friends again,  
 With wealth and honors bravely won,  
 That is the hope I live upon.

But should some cannon pointed true,  
 Destroy these soothing dreams of glory,  
 Affection's tears my grave will dew,  
 And Mary, when she hears my story,  
 Will shed love's holiest tribute o'er me.

If these little effusions are not enriched with much poetical imagery, there is at least none of that desperate straining after it, which is apt to make the hobbling gait of an author more apparent; none of that poor taste for tawdry ornament, which betrays at once the inclination and the inability to be fine. Touching the expediency of uttering another volume, respecting which our author seems to hesitate, we should advise him, if it be not impertinent, to be governed entirely by the returns of his publisher. Verse making is an innocent, and if not too expensive, doubtless an agreeable method of killing the dull hours of a sailor's life. But should he again favor us, we hope he will talk less of things on shore, and more of those around him. The sea, with its



thousand brilliant perils and accompaniments, is rich in materials for poetry, (at least Lord Byron thought it so, as may be seen in his letter to the Rev. W. L. Bowles); and it is so seldom that we find the Muse aboard a man of war, that we are anxious she should make the most of her situation.

We believe there are not more than three pieces in our naval author's collection, which have any relation to his profession, and one of those we have quoted.

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6.—*An Epitome of Chymical Philosophy, being an extended Syllabus of the Lectures on that Subject delivered at Dartmouth College, and intended as a Text Book for Students.* By JAMES FREEMAN DANA. Concord. New Hampshire. Isaac Hill. 1825. 8vo. pp. 231.

THE author of this *Epitome* was an early, and has been for many years, an assiduous cultivator and teacher of chemistry. The volume, which he has now published, contains in a condensed form the substance of the Lectures, which he has been accustomed to deliver as Professor in this department at Dartmouth College, and it does ample credit to the industry and acquirements of the author. It will be found a very intelligible and useful manual to those, who are attending courses of chemical lectures, and contains, within a narrow space, a large amount of matter clearly expressed, and generally well arranged.

The work consists of two parts. The first contains the general principles of the science, and the chemistry of inorganic substances; the second, the chemistry of organic substances, or a chemical examination of nature.

The first division of the first part relates to those general laws or powers of matter, upon which chemical phenomena are supposed to be dependent, namely, attraction, cohesion, affinity, electricity, electromagnetism, caloric, and light. Of these the account is brief, but considering the space allowed them, very comprehensive and perspicuous. Then follows in order an examination of the different elementary substances, to the number of fiftytwo, and of their most interesting compounds. The metals are subdivided into four orders, the metals producing alkalies, the metals producing acids, the metals producing oxides, and the supposed metals producing earths. This is a good and satisfactory arrangement. The second part, relating to organized matter, is very short, but contains as much perhaps as is desirable in a work of this character.

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7,—*The Claims of the Citizens of the United States on Denmark examined. First published in the Boston Monthly Magazine.* By CALEB CUSHING. Boston. 8vo. pp. 18.

ON different occasions we have recently called the attention of our readers to the large amount of *Claims*, which our government holds against several of the powers of Europe; and we have especially explained the nature of these claims on Holland, France, and Naples, and exhibited the strong grounds on which they rest. We are glad to see in this pamphlet a similar course pursued, by Mr Cushing, in regard to Denmark. It is time for this whole subject to be sifted, and it is moreover time, that the demands of our citizens should be urged in a manner, which shall demonstrate that the American government will not patiently wait much longer for the tardy exercise of justice. Nothing is gained by delay, but on the contrary much is lost. Every year will increase the reluctance on the part of the foreign powers, to investigate the subject; and it is quite certain, that time will not have the effect to make them see more clearly the force of right, or to pay more willingly an honest debt, already of long standing. Our government and citizens, therefore, cannot be awake to the subject too soon, nor enforce their just demands too earnestly.

‘The capture of the American vessels by the Danes,’ says Mr Cushing, ‘began in 1809. Denmark was at that time an ally of Napoleon’s, and engaged in active hostilities against Great Britain, stimulated thereto by the recollection of the two successive attacks of the British on Copenhagen. Friendly relations between the Danish and American governments had existed uninterruptedly down to this period. But in this year thirtysix American vessels were taken and carried into Norwegian ports, and twentyfive into the ports of Holstein, Sleswick, and the Danish Islands. The captors were sailing under commission from the king of Denmark. Their depredations continued in 1810, during which year the number of captures increased to one hundred and four, which induced the government of the United States to despatch Mr George W. Erving to Copenhagen for the special purpose of arresting the progress of these illegal proceedings, and of reclaiming the property captured. His presence and his remonstrances to the Danish ministry had the desired effect in part, as the enterprises of the privateers were gradually restrained, and of many American vessels, which passed the sound in 1811, only about twentyfive were captured or interrupted in their progress.’ p. 4.

There were other captures, called *convoy cases*, which were marked with a still higher degree of injustice, and of hardship to the owners.

‘ A number of American ships went up the Baltic in the spring of 1810, when they paid their Sound dues, were examined by the Danes, and pronounced to be neutral. On their passage down, they were arrested by British force, and compelled to accept convoy. This of course they had no motive to do for protection against Danish cruisers, because they had already passed the ordeal of an examination. When the convoy was attacked by Danish gun brigs, the Americans made no attempts to escape, feeling secure in the ascertained legality of their voyages, and were captured and carried into port, and condemned as good prize. When Mr Erving commenced his negotiations, ten of these cases were still pending, and he made the strongest efforts to procure their release, but without effect.’ p. 7.

Suffice it to say, that although Mr Erving succeeded in preventing a few condemnations, yet he obtained no indemnity for losses sustained by our merchants, in consequence of the unjust and high handed conduct of Denmark, in making captures under the circumstances mentioned above. Nor has any restitution whatever been made up to the present day.

Another thing the author thinks it quite time for the American government to look into, which is the duty, or tribute, levied by the Danes on all our ships passing into the Baltic. Since we have shaken off the yoke of the Barbary pirates, it may at least be deemed a question, whether it comports with our character, as an independent nation, to pay tribute to any government, and especially where no *quid pro quo* is received, as would seem to be the case in the present instance.

‘ The *Sound duties* are paid in the shape both of a tonnage duty and of a duty on commodities. They are regulated by treaty between the Danes and Dutch, the British, Russians, Swedes, French, Prussians, and other nations. The basis of the rate of duty as paid by them, and more especially as paid by Americans, is the tariff established by the States General, in their treaty concluded with Denmark, in 1645, and known as the treaty of Christianopol. The tariff is qualified, however, and sundry additions are made to it, distinguished by the name of usances, and the whole is published in the common form of a tariff of duties on goods. It is not easy to ascertain the *precise* amount paid by us, because the cargoes of our ships, which ascend the Baltic, are not generally made up at home, and therefore cannot be collected from our custom house books. Indeed, the ships engaged in the Baltic trade do not, for the greater part, sail direct for Denmark, Russia, or Sweden. For instance, the American shipping cleared out for Russia between October the first, 1823, and September the thirtieth, 1824, was only 2,201 tons, while the amount entered

from Russia in the same period, rose up to 16,051 tons. Our ships generally take a cargo to some other port, and carry the proceeds, in cash or bills, to Russia, or take cash or bills to some intermediate port, and there purchase a cargo to be carried to Russia, and exchanged for a homeward cargo. Of course, no records here enable us to calculate with exactness the amount of duty paid at Elsinore upon cargoes collected out of the country. But persons conversant in the Russia trade, estimate the number of American vessels, which have annually ascended the Baltic, one year with another, the last three years, to be about one hundred, and the duty paid by each to average from 150*l* to 200*l* sterling, making in all from 15,000*l* to 20,000*l* per annum.' pp. 10, 11.

‘Danish writers carry back the establishment of the Sound dues to the time of the ancient Norsemen and the vikings of Norway. It matters not, for the purpose of this argument, if they were ordained by Runic Odin himself, amid the revelries of Valhalla. Suffice it for us, that the reason of the thing seems now to have ceased, and *cessanti ratione cessat ipsa lex*. The dues are said to have originated in a voluntary payment made by vessels entering the sound, as a consideration for the privilege of partaking in the fisheries on the coast, or as a stipend to the vikings to obtain defence against the northern pirates who abounded at that period, or as the price of pilotage, lighthouses, and other helps to navigation, or as a compensation to the Danes for the risk they incurred in suffering foreign ships to approach so near to their shore. But, with the exception of light and beacon money, which is now paid by the ship, in addition to the dues on the cargo, all these reasons for the tribute, supposing them to be the true ones, have passed away with the sea robbers and vikings, in whose barbarous usages they had their birth. But in truth, it is not to be believed, that the Sound dues can boast any such respectable origin. It is altogether improbable, that there ever was an equivalent received by those who paid them, either in protection or in anything else. This may have been the *pretext* under which they were demanded, but the lawless character of the marauding Norsemen would have prompted them to seize upon less valid pretexts than even this, as an apology for making exactions from the defenceless merchantmen or fisherman, who hazarded a voyage into the northern seas. Nevertheless, whether justly or unjustly demanded in the beginning, is quite immaterial to us Americans. All we have to regard is, not whether the antiquated customs of an uncivilized age impose the duty, nor whether this or that people has subsequently chosen to pay it, but whether there is now an adequate existing reason by which, according to the eternal and

unchanging principles of natural justice, we, as an independent nation, are bound to accede to the demand.' pp. 12, 13.

These remarks have force, and it will not be easy to show any defect in the principle on which they are founded, or the results to which they naturally come.

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8.—*Report of the Canal Commissioners to the General Assembly of Ohio, December 12th, 1825.* Columbus. 8vo. pp. 54.

THE magnificent project of canals, now in operation in Ohio, is second only to the undertaking of the great Erie Canal of New York. And, indeed, considering the different circumstances and resources of the two states, the people of Ohio have, in enterprise and energy, if possible, outdone their neighbors. In cases like this, example does a great deal, to be sure, and the brilliant success of New York afforded at the same time the most profitable lessons of experience, and a sort of guaranty of similar results in Ohio. But, after all, there is something noble and imposing in the people of a comparatively new state coming forward with so much decision and unanimity, resolving on an undertaking of such magnitude, pledging their credit and levying taxes on themselves for carrying it into effect. Such an instance of public spirit, and of activity in a public cause, is hardly on record, as that displayed by the people of Ohio, in their recent measures for improving the internal navigation of the state.

Two canals have not only been projected, but their execution is already in considerable forwardness. The first of these extends from Cincinnati to Dayton, a distance of about sixty miles; the second connects the Ohio river with Lake Erie, beginning near the mouth of the Scioto river, and thence pursuing a devious course through the state, approaching near Columbus, the capital, seeking the head waters of the Muskingum, and Cuyahoga, and meeting the lake at Cleveland. We have seen no exact statement of the entire length of this line, but suppose it to be at some point between two hundred and fifty, and three hundred miles.

An act to provide for the internal improvement of the state of Ohio, by navigable canals, was passed by the legislature on the fourth of February, 1825. An examination had previously been made by authority, to ascertain whether it was practicable to connect the Ohio river and Lake Erie by a canal. This being settled in the affirmative, the act above referred to makes full provision for carrying the plan into execution. Seven commissioners are appointed by the legislature, who are to have the entire super-

intendence of the work. Another board of commissioners is instituted, consisting of three persons, whose office it is to take charge of the canal fund. This board is empowered to borrow money on the credit of the state, at an interest not exceeding six per cent, and to such amount as the legislature shall from time to time determine. The sum specified for the last year was four hundred thousand dollars. Such portion of this sum as was wanted, has been borrowed in the city of New York. For money thus obtained, the commissioners issue transferable certificates of stock, redeemable at the pleasure of the legislature, at any time between the years 1850 and 1875. The bill provides for the annual payment of the interest, by a tax 'on all the property in the state, entered on the grand list, and taxable for state purposes.' Provision is also made for the gradual accumulation of a fund, which, together with the profits of the canals when completed, is pledged for the final redemption of the stock.

From the Report of the Canal Commissioners it appears, that the work has been begun, and is rapidly advancing. Nearly two thousand laborers were employed in November last. The whole amount of contracts already made on the two lines is little short of a million of dollars. The soil throughout the state seems well adapted for constructing canals, and there is no apprehension that water in abundance will not be supplied by the streams. The market of New York, it would appear, is the chief motive inspiring the hopes of the citizens of Ohio, in prosecuting this arduous work of connecting the river with the lake. 'One great object,' say the commissioners, 'proposed by the construction of that canal, and probably the most important, is the opening of a direct and commodious channel of commerce, between the interior of our state and the great commercial emporium of America, where a safe, advantageous, and certain market can at all times be had for the surplus productions of our soil, and such commodities as are desired in return, can always be procured at the fairest rates, and in the greatest abundance.' By this canal a complete internal water communication between New Orleans and New York will be effected.

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9.—*A Historical Sketch of the Formation of the Confederacy, particularly with Reference to the Provincial Limits, and the Jurisdiction of the General Government over Indian Tribes, and the Public Territory.* By JOSEPH BLUNT. New York. 1825. Geo. and Charles Carvill. 8vo. pp. 116.

THIS title expresses very distinctly and fully the purpose of the author, in the work to which it is prefixed. The subject is one,

which has not been handled before in a separate and methodical form, although it holds a conspicuous place in the early history of our government. To reconcile the contending claims of the states to the unappropriated territory, and to satisfy the demands and expectations of each, was among the most embarrassing tasks, which the general Congress was called to execute. By great prudence and good management, however, an amicable adjustment of all difficulties was gradually brought about, the states relinquished their claims, whether real or imaginary, and the sovereignty over all the new territories was ceded to the government of the United States. A concise history of the events leading to these results is the aim of Mr Blunt in the present work.

In an introductory chapter, the author takes a brief view of the original right of Europeans to parts of the American continent, or of the foundation of their claims. He goes back to the papal grants, and then considers in historical order the claims founded on actual possession, prior discovery, charters, conquest, and purchases of the Indians. He dissects the old charters, and shows how extremely vague they were in defining boundaries. In truth, at the time they were given, the ignorance of the geography of this country was such, as to render it impossible to define the limits of any extensive territory. Hence, for the want of any known marks, the *South Sea* was made the charter boundary of several of the provinces on the west. This looseness in fixing boundaries caused an interference among the grants, and in the end produced some of the most serious obstacles to the formation of the confederacy. Mr Blunt has pursued the subject through all its windings. The point will be found pretty largely discussed also, in a former number of this Journal. [*Vol. XIII. p. 313 et seq. for Oct. 1821.*] Paine's treatise, entitled 'Public Good,' first published in 1780, and relating particularly to the Virginia claims, exhibits the merits of the case in a very strong light.

Mr. Blunt has rendered a valuable service to the public, in collecting into one body so many historical facts bearing on the same point. This work will greatly facilitate future inquiries; it is executed with apparent fidelity, and patient examination of authentic materials; the style is clear, and the arrangement judicious.

10.—1. *Manifestacion del Ciudadano Manuel de Mier y Terán al Publico.* 4to. pp. 31. Mexico. 1825.

2. *Segunda Manifestacion del Ciudadano Manuel de Mier y Terán.* 4to. pp. 127. Mexico. 1825.

ALTHOUGH these pamphlets are of a controversial nature, they are not without value as historical records. The author, who has

been an officer of high standing in the Mexican army, during the greater part of the revolution, is induced, by circumstances which do not fully appear, to come before the public in vindication of himself from certain charges, which had been advanced against him in relation to his public career. In prosecuting his defence, it becomes necessary for him to recur to many events, particularly in the first stages of the revolution, in which he took an active part. The nature of the subject requires the author to speak perpetually of himself, but it is usually with becoming moderation, and with an apparent candor, which inspire confidence in his statements. It is his purpose, of course, to make his own cause good, but there is no obvious reason for supposing this aim to have turned him aside from an accurate narrative of events, and exposition of facts. In short, amidst the paucity of materials illustrating the revolutionary history of Mexico, these pamphlets may be consulted with profit by such persons, as seek for knowledge on that subject.

It is gratifying to learn, both from passing occurrences, and the late message of the President of the Mexican states, that the government under the new constitution is going into steady and substantial operation, gaining strength from the cheerful support of the people, and the wise administration of the rulers. The experiment of the Federal system seems thus far to have been tried with triumphant success. The states have instituted assemblies, or legislatures, and some of them at least have formed and adopted constitutions. The business of legislation is going on, to all appearance harmoniously and judiciously.

In fact there never was but one reason, or even shadow of a reason, why the *Central* scheme could be imagined to have any preference over the *Federal*, in forming the new government of Mexico. As it regards the intrinsic merit of the two systems, it would seem impossible for any one to suppose for a moment, that the former could approach in any degree to the latter. The simple question was, whether the provinces were in a condition to govern themselves as independent states. Upon this question it was natural, that there should be a difference of opinion, especially after the years of political commotion which had preceded. The example of Colombia, also, would be likely to have some weight in the scale. That government was prospering under the Central system, and hence there might seem greater security, if not a prospect of greater ultimate success, by following in the same track. The abortive attempts of Venezuela and Buenos Ayres to establish the Federative plan, moreover, were no encouraging precedents. But the result has proved, that the circumstances of the cases were not similar, that Mexico had fewer internal diffi-



culties to encounter than those countries, when they endeavored to set up the same form of government, and that the people had improved more by the experience of the revolution. And even when Colombia adopted her Central constitution, she was pressed hard by a foreign foe, and seemed to feel no want more sensibly, than a union of all hearts and hands in the great cause, and the concentration of a power, which could wield the whole mass, and bring the energies of all the parts to act on a single point.

This end was attained ; but as things have turned out, it may be questioned whether Colombia would not have prospered equally well, or better, at the outset under the Federative system ; and, if so, the future gain would have been incalculable. It is quite certain the time will come, when the growing intelligence of the people will demand a change in the present organization, and call for a form of government more republican in its principles, and better suited to the existence and prosperity of free institutions. To this point we doubt not the statesmen of Colombia are expecting to be drawn in due time. But who does not see, that every year is throwing obstacles in the way ? A system is now taking root, which must be in a measure eradicated, before another can be planted in its stead ; whereas, had a scion from the genuine stock been first cherished, every hour would have added to its growth and strength. The progress of the country will be doubly retarded by the defects of the present constitution, and by the important changes, which a new one will occasion when introduced. This is said, not in disparagement of the wisdom or motives of the leaders in Colombia, for pursuing the safer course, but as showing the ultimate disadvantages of the scheme, however well it may have answered the purpose of a temporary government.

The Constituent Assembly in Mexico, which decided on the present form of government, was divided into two parties, one called the *central*, and the other the *federal* party. All the higher orders of the clergy, the nobles, and some of the leading officers of the army, were *Centralists*, while the representatives from the provinces were generally *Federalists*. These latter prevailed, very fortunately, as the result has proved, and a government was established, closely resembling that of the United States. It is said, that even Victoria and Bravo were Centralists.

It is obvious from this disposition of the parties, that the Central system in Mexico would have soon put on the garb of a complete aristocracy, that the power would have been kept in a few hands, and the spirit of a truly republican government virtually annihilated. The voice of the people would have been but feebly uttered and rarely heard. At present, however, a very different

process is going on. The inhabitants of the provinces are waked up to a sense of their political existence and consequence; the right of suffrage is understood, and valued, and exercised; the recurrence of elections brings up the merits of men and of measures for examination; representatives assemble to legislate, and acquire new light by mutual discussions of important topics. A portion of this light is diffused among the people, and is already producing most salutary effects. It will increase till it enlightens and animates every corner of the country. Nor will its effects be merely local; the gain in one part will be felt in another, the example and progress of one province will stimulate others, and by this advancement and reaction of intelligence, and the fruits of experience, the foundation of the best form of government will gradually be laid, which will stand firm against the shock of any future accidents.

From the official documents, and public papers in Mexico, nothing is clearer, than that a strong European interest exists there, somewhat to the prejudice of this country. Considering the loans, which the government has obtained from England, and the great amount of capital from that country now employed in the mining business, this bias may doubtless be referred to a natural source. How far it will operate to our disadvantage, in the commercial relations between the United States and Mexico, we shall not predict. On this subject, however, there needs be no uneasiness, while our affairs in Mexico are in the hands of a gentleman so thoroughly qualified to manage them, and who possesses so entirely the confidence of the country, as Mr Poinsett, our present Minister Plenipotentiary.

In connexion with these remarks, we cannot forbear to express the pleasure with which we are enabled to state, from undoubted authority, that the first volume of Mr Restrepo's *History of Colombia* is already completed, and sent to London for publication, both in the Spanish and English languages. It is intended to be printed also in this country. Mr Restrepo is known as the able and indefatigable Secretary of State for the Home Department in Colombia, and no man living probably has enjoyed opportunities so favorable, for becoming acquainted with the history of that republic. From the talents and qualifications of the author, as well as from the importance of his subject, this work may justly be looked for with raised expectations. Mr Restrepo is pursuing his task with as much expedition, as his numerous and weighty public duties will allow, but it is uncertain when the second volume will be in preparation.

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11.—*Notes to his Sketch of Bunker Hill Battle.* By S. SWETT.  
Boston. 1825. 8vo. pp. 24.

ABOUT seven years ago, Mr Swett published an edition of Humphreys' *Life of General Putnam*, and appended to that work a 'Historical and Topographical Sketch of the Battle of Bunker Hill.' Considerable inquiry had then recently been excited, in regard to the part General Putnam took in that battle. Mr Swett investigated the subject with a good deal of care, and published the results in a connected account of the battle. About the same time a full investigation of the subject was also made in this Journal. [North American Review for July, 1818. Vol. VII. p. 225.] Since that period many other facts have been brought to light, especially by the testimonies formally taken of many persons, who were present at the battle. Several of these testimonies, relating particularly to Putnam, have been collected by Mr Swett, and published in the form of Notes to his Sketch. Taken together, they present a lively picture of parts of the battle. A few of them we shall select.

The first is the testimony of Joshua Yeoman, who was in Putnam's regiment.

'He helped build the fort the night before the battle, led on by General Putnam. Was well acquainted with General Putnam; saw a great deal of him in the action encouraging the men. I saw General Putnam split a fieldpiece in the fort; he could not get the ball into the piece. He went to his saddlebags [haversack] and took a canvas bag of musket balls [grape], loaded the cannon, and fired it at a number of officers who were consulting under a row of trees. I then went to the rail fence; there saw General Putnam riding along the whole line and crying out, "stick to your posts, men, and do your duty;" he was greatly exposed.'

Here follow the accounts of other persons, taken promiscuously from Mr Swett's Notes.

'William Low, Gloucester. Putnam ordered us to carry off intrenching tools; our company went, followed him in Indian file down the hill; the shot flew as thick as hailstone. Putnam was as cool as ever man was. News came the British were landing; Putnam then said it was too late, ordered every man to take a rail on his back, took one himself, went to the other rail fence, and we worked at doubling it. Fired eighteen out of my nineteen cartridges.'

Elijah Jourdan deposes; 'I helped build the intrenchments, and fought within the intrenchment till the British took possession

of our fort, during which time I perfectly well remember that General Putnam was in the said intrenchment [breastwork] very frequently during the engagement, giving orders as commander in chief; and I perfectly recollect, that he was in the fort\* when the reinforcement of the British came up. While we were waiting for the British to come up the Hill, orders were given to us not to fire till we could see the whites of their eyes; and this order, I was then told, came from General Putnam; but I did not hear it from him. I knew General Putnam's person perfectly well at that time, having frequently seen him before.'

Ezra Runnels, Middleborough, deposes before Wilkes Wood, Esquire.

'I belonged to Captain Gridley's artillery company. Went on to the Hill with the company, and two small pieces, the evening before the battle; and was at and near the redoubt during the battle, until our party retreated. I well remember of seeing General Putnam at the breastwork during the battle. Before that time, residing in Groton, Connecticut, was personally acquainted with him. I repeatedly saw him during the action walking upon the breastwork and animating the men to exert themselves. Captain Gridley, having received some cartridges, which were too large for our pieces, said that nothing could be done with them, and left his post, and our company was scattered. General Putnam came to one of the pieces, near which I stood, and furiously inquired where our officers were. On being told our cartridges were too big, and that the pieces could not be loaded, he swore, and said they could be loaded, taking a cartridge, he broke it open, and loaded the pieces with a ladle, which was discharged; and assisted us in loading two or three times in that manner.'

'Philip Johnson deposes that he was at the rail fence. While there, just before the action began, he saw General Putnam on horseback very near him, and distinctly heard him say, "Men, you know you are all marksmen, you can take a squirrel from the tallest tree. Don't fire till you see the whites of their eyes." Immediately after the first retreat of the British, General Putnam rode up and said, "Men, you have done well, but next time you will do better; aim at the officers." The British entered the redoubt without much firing, and the retreat commenced. Just as Mr Johnson left his place at the rail fence, about half a gun shot from the redoubt, General Putnam rode up, his horse covered with foam, and said something, he does not distinctly know what, and rode off. "The balls were flying as thick as peas."'

\* This was a little before the battle; during the battle the distinguished hero and patriot, Colonel Prescott, had the entire and uncontrolled command in the redoubt.'

‘ William Dickson says, before we took up our march for Bunker Hill, and before we reached Prospect Hill, I am sure I heard the musketry fire. Battle began a great while before we reached Bunker Hill. The musket balls flew very thick where Putnam was, nearly or quite on top of Bunker Hill. He did not seem to mind it. The balls pierced a cartridge box, a hat, and breech of a gun. Putnam had his sword in his hand, and hallooed to us to drive up.’

Such are a few only of the testimonies published by Mr Swett. Many facts were obtained from the survivors of the battle, who were present at the celebration in June, 1825. Mr Swett encourages us to expect from him a detailed account of the battle, which the mass of materials now in existence would enable him to draw up with great minuteness and accuracy. We hope he will prosecute this design.

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12.—*Remarks on the Banks and Currency of the New England States; in which an Attempt is made to show the Public Benefits resulting from the System pursued by the Allied Banks in Boston. First published in the Boston Daily Advertiser. Svo. pp. 40. Boston.*

THE object of this pamphlet appears to be, to defend the course lately pursued by several of the banks in Boston, of receiving at par, in all payments to them, the bills of the country banks, and returning them to the banks by which they are issued, for redemption. This course of measures having produced a material change in the circulating medium of the New England states; and having been a subject of general complaint on the part of persons interested in the country banks, it became a question deserving of candid consideration, whether the change in any way promotes the public interest, and whether it interferes with the rights of any of the parties affected by it.

The remarks begin with a statement of some general principles respecting currency, tending to illustrate and enforce the position, that the first requisite of a good paper currency is its ready convertibility with gold and silver, whenever these are preferred by the holder; and to show that the holder of the bills of any bank must have a perfect right, founded on the very condition which gives currency to the bills, to return them to the bank, and demand gold and silver, whenever it may suit his convenience.

It is stated that there are in the New England states, a hundred and fortyseven banks, having an aggregate capital of nearly

thirty millions of dollars, and having bills in circulation to an amount exceeding ten millions. The bills of all these banks have generally been current as money in all parts of the New England states, particularly in Boston, the centre of a great portion of the business of these states. There was, however, until the adoption of the measure above referred to, one important exception to the general currency of these bills. None of those issued by the banks situated out of Boston, were received at par in any payments made to the banks in Boston. It would appear at first blush, that this refusal would be injurious to the country banks, and that to give them full credit, on an equal footing with the bills of the town banks, would be regarded as a benefit. The fact was the reverse. As they were freely received in most payments except to the banks, they were easily put into circulation, and when the holder had occasion to pay money to a Boston bank, or to procure specie, instead of sending the bills to the issuing banks in the country for specie, he usually exchanged them at a small discount, with some one in Boston, who would give him Boston money. The exchanging of Boston money for country money, and *vice versá*, became a regular business, and it is estimated by the author of this pamphlet, that the exchanges each way amounted to nearly a hundred thousand dollars a day; the discount on country money being generally one per cent.

This discount operated as a premium to keep the bills of country banks in circulation, in preference to Boston money, which was reserved almost exclusively for payments to the banks, and was consequently returned to the issuing banks almost as soon as paid out. The consequence was, that Boston banks, which, from the magnitude of their capital, and their extent of business, might be supposed to be in the best credit, and to have the greatest facilities for putting their bills into circulation, had in fact the smallest proportion of circulation; and the most remote banks, though of small capital, even if their credit was a little doubtful, had the largest circulation. This fact is proved by a variety of statements, drawn from the official returns of the banks. For example, in June, 1809, the three only banks then in Boston, with a capital of \$3,800,000, had a circulation of only \$646,221, while at the same time, five other banks in the state, situated more than a hundred miles from Boston, with a capital of \$700,000, had a circulation of \$797,863. In January, 1819, the seven banks in Boston, with a capital of nearly seven millions, had a less circulation, than the seven most distant banks in the state, with a capital of less than a million of dollars. A similar inequality of circulation in favor of the distant banks is shown to have existed in New Hampshire and Maine, those in the large trading towns

having a very small, and those in the interior or remote towns, a very large circulation. The writer argues that this advantage, of so disproportionate an increase of trading capital, derived from circulation, was not one which of right belonged to them, or which necessarily resulted from their local situation; but that it resulted from the mistaken policy of the conductors of the Boston banks, in not receiving all such descriptions of money, as the citizens in general received in all transactions not connected with the banks. He argues, also, that it is the duty of the banks in town, resulting from the offices which they undertake to perform for the public, to receive in payments, in ordinary cases, such bank notes as are in general currency among the community whom they serve, provided this can be done without any material sacrifice on their part.

This duty, within the last year, several of the banks of this town undertook to perform, and from their concert in this measure, they have been denominated the *allied banks*. They receive at par in all payments, and on deposit from their customers, the bills of all the banks in New England, in good credit, and transfer them daily at par to one of their number, which, in consideration of a specific sum loaned from each of the associates without interest, returns them to the several issuing banks for redemption, except in cases where provision is made for their redemption here. A large proportion of the bills thus taken, are in fact redeemed here, by the agents of the country banks, or by remittances made by them for the purpose; and to facilitate this mode of redeeming them, these remittances are permitted to be made in any description of country bills, as well as in Boston bills or specie. The effect of this arrangement on the general circulation, is described to be, 'to give to each bank the benefit of the principal circulation of its own neighborhood, and to direct the bills of all, on their way homeward, whenever they fall within the natural sphere of the circulation of any other bank.' Under this arrangement, more than seventeen millions of dollars, in bills of the country banks, have already been received by the allied banks.

The amount received within the four or five last months, has been more than two millions of dollars a month. The author computes, that the amount exchanged monthly, at the period when country bills formed the general circulation, and the common rate of discount was one per cent, was from two to three millions a month, so that a tax of about three hundred thousand dollars annually was paid in Boston, in premiums for the exchange of money taken at par. This tax, and the inconvenience of being obliged to keep two kinds of money, is now avoided; the general currency is improved by the circulation of a larger proportion of

bills issued by banks of large capital and extensive business; and the advantages, which the several banks derive from the circulation of their bills, are more equally distributed. The distant banks still have the advantage of a much larger circulation in proportion to their amount of capital, than those which are situated in and near the large towns, but the statements in the pamphlet founded on the official returns at different dates, show very conclusively, that the inequality is greatly lessened. The amount of bills in circulation issued by banks in Boston, is about double that exhibited by the returns four years ago, while the circulation of the distant banks is diminished by a quarter, although the aggregate of their capital has been increased in a proportion equal to that of the banks in Boston.

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#### NOTICE.

WE owe an apology to the public, and to the author, for delaying so long to notice, in a proper manner, Mr Dane's Abridgment and Digest of American Law. The publication of this work has been completed, in eight large octavo volumes, constituting an imposing monument of the author's talents, great legal knowledge, and extraordinary perseverance; and containing a mass of materials selected and arranged in such a manner, as to render the work exceedingly important to the Profession in every part of this country. It has been the labor of forty years, with all the advantages, which a public and professional man could possess. Mr Dane was in the Old Congress, and has been a careful observer of the progress of our legal institutions, from the very beginning of the Union. An article is now in preparation, in which this learned author's work will be examined at large, and which may be expected in our next number.

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## QUARTERLY LIST OF NEW PUBLICATIONS.

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The work is intended to contain six or seven hundred pages, octavo, and to be published by subscription. The price to subscribers is fixed at three dollars.

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